

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.R. No.341 of 2009

NAND KISHORE HISARIA, S/O KEDAR NATH HISARIYA,
R/O MOHALLA-SITAMARHI BAZAR, P.S. AND DISTRICT-
SITAMARHI, MAIN ROAD, LOHAPATTI.

.....DECREE HOLDER/PETITIONER.

Versus

1. BUCHCHI DEVI, D/O LATE RAM SUNDAR PRASAD AND
W/O OM PRAKASH GUPTA, R/O VILLAGE-SARAI, P.S.-
SARAI, DISTRICT-VAISHALI.

.....JUDGMENT DEBTOR/APPELLANT/O.P. 1ST PARTY.

2. SHAMBHU PRASAD, S/O LATE RAM SUNDAR PRASAD.

3. SHAKUNTILA DEVI, W/O LATE NAND KISHORE PRASAD.

4. RAJU PRASAD GUPTA.

5. BABLU PRASAD GUPTA.

6. MURARI PRASAD GUPTA.

7. DHANANJAY PRASAD GUPTA.

8. KRISHNA MURARI PRASAD GUPTA.

O.Ps. NO. 4 TO 8 SONS OF LATE NAND KISHORE
PRASAD GUPTA AND LEGAL HEIRS OF THE DEFENDANT
NO. 4.

ALL RESIDENT OF PUPARI BAZAR, P.S.-PUPRI,
DISTRICT-SITAMARHI.

9. SONU KUMAR GUPTA.

10. MONU KUMAR GUPTA.

SONS OF RAJEDNRA PD. GUPTA.

RESIDENT OF VILLAGE MJAR DARWAJA, DRUGH HOUSE,
GANDHI CHOWK, P.O.-MJAR DARWAZA, SASARAM,
DISTRICT-SASARAM.

.....JUDGMENT DEBTORS/O.Ps 2ND PARTIES.

6

31.03.2009

Heard learned counsel for the

petitioner.

The decree holder petitioner has

filed this revision application against order

dated 21.11.2008 passed in Execution Case No.

7 of 1974 by which the Sub-Judge-I, Sitamarhi

has entertained the application of one

Buchchi Devi filed under Order 21 Rule 90 for

further consideration.

The order impugned does not come

within the category of case decided and it is

purely an interim order taking on record the said application for further hearing. In the circumstances, no case of interference in the matter under Section 115 of the C.P.C. is made out and the application is dismissed.

However, since the execution case appears to be of 1974 in which it appears that the auction sale was held and the same was confirmed in 1976 itself, the court below shall make all endeavours to decide the same as expeditiously as possible, preferably within a period of six months from today.

Arvind/

(J. N. Singh, J.)

