

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13435 of 2015

In
MA 156 of 2015

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The Patna Regional Development Authority & Ors

.... Petitioner/s

Versus

M/s Walia Builders

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prakash Verma

For the Respondent/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

7 07-12-2015

Heard learned counsel for the petitioners.

This application under Article 227 of the Constitution of India has been filed by the petitioners against the order dated 02.05.2015 passed by Subordinate Judge-I, Patna in Execution Case No.18 of 2009 whereby the court below rejected the application filed by the petitioners for time and directed to attach the bank account of the petitioners.

The learned counsel for the petitioners submitted that the Subordinate Judge-I, Patna has no jurisdiction to pass such order and in fact the petitioners has already paid more than Rs.2 crores to the other side.

On the other hand, the learned counsel appearing on behalf of the respondent submitted that after decree nothing has been paid and in spite of repeated direction the petitioners are not

paying to the respondent.

Perused the impugned order. The court below found that the execution case has been filed in the year 2009 and after appearance of the petitioners, who are judgment-debtors, repeated directions were given on different dates to pay decretal amount with interest but it was not complied with. It is admitted fact that against the award no objection was raised and the award was made rule of the Court which was sought to be executed in execution case. Against the decree also the petitioners did not file any appeal or revision, as the case may be. By the impugned order considering the conduct, the court below has directed to attach the bank account for realisation of the decretal amount.

In view of the above facts and circumstances of the case when the order passed by the court below i.e. impugned order is in accordance with law, the same cannot be interfered with in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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