

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No. 2 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 18076 of 2012

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Krishna Kumar Prasad S/O Late Alakh Niranjana Prasad, Resident of Mohalla- Yusufganj, P.S- Laheriasarai, P.O- Darbhanga, District- Darbhanga.

.... Petitioner/s

Versus

1. The District Consumer Forum, Patna Represented through its Registrar, the District Consumer Forum, Patna.
2. The Mitra Mandal Co-operative Housing Society Ltd., represented through its Secretary, Mitra Mandal Co-operative Housing Society Ltd., Purandarpur, Patna.
3. The Secretary, Mitra Mandal Co-operative Housing Society Ltd., Purandarpur, Patna.
4. Arun Kumar Sinha S/o Late Jalendra Prasad Singh, resident of Village- Nihura, P.S. Janipur (Phulwarisharif) District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

4 13-05-2015 Heard learned counsel for the petitioner and learned A.C. to S.C. 8 for the State.

The petitioner has filed the present Civil Review application for review of the order dated 25.10.2013 passed in C.W.J.C. No. 18076 of 2012. Learned counsel for the petitioner very fairly submits that the Court in the order dated 25.10.2013 has correctly recorded the factual aspect. However, the petitioner even after losing before the Hon'ble Supreme Court has filed C.W.J.C. No. 10814 of 2011 in which notices were issued to the writ petition of C.W.J.C. No. 18076 of 2012 (respondent no. 4 herein) and it is thus prayed that

till the time, the said proceeding is not decided, the execution case may not be taken to its logical conclusion. It is also submitted that the petitioner of C.W.J.C. No. 18076 of 2012 has not disclosed the fact about the issuance of notice to him by a co-ordinate Bench in C.W.J.C. No. 10814 of 2011.

After having heard learned counsel for the parties, this Court is of the opinion that the points being raised by the petitioner may have been worth consideration at the relevant time but because of the fact that he had moved before the Hon'ble Supreme Court in S.L.P. which was dismissed on 18.01.2008, on the same very ground, it would not be appropriate for the Court to stay the execution proceeding when the matter relates to the year 1995. On a query as to whether the petitioner had disclosed the fact of pendency of the execution proceeding in C.W.J.C. No. 10814 of 2011, the answer is in the affirmative. This further indicates that the Court while issuing notice on 19.06.2013 was aware of the pendency of the execution case but had not stayed the same.

It goes without saying that in the event the petitioner is finally able to succeed in C.W.J.C. No. 10814 of 2011, it would be well within the capacity of the Court to restore the status quo ante and thus the petitioner would not be ultimately harmed or prejudiced. However, to keep the execution case pending even after the Hon'ble Supreme Court has finally decided the matter way back in January, 2008 and

now after more than 7 years having elapsed, this Court does not find such course to be appropriate.

For the reasons aforesaid, this Court does not find that any ground has been made for review of the order dated 25.10.2013 passed in C.W.J.C. No. 18076 of 2012. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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