

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2799 of 2013

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Kauleshwar Sah, Son of Late Brij Bihari Sah, R/o Mohalla-Gaushganj,
Kashbe, Ara, P.S.-Ara Nagar, District-Bhojpur.

.... Petitioner.

Versus

Sunita Devi, Wife of Rakesh Singh, R/o Village-Bakhorapur, P.S.-
Badaharsa, District-Bhojpur, Ara.

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr. Anish Chandra Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

7 07-12-2015

No body appears on behalf of the petitioner.

Mr. Anish Chandra Sinha, the learned counsel is
present and has been heard on behalf of the opposite respondent.

Questioning the legal acceptability of the
impugned order by which the learned court below has rejected the
prayer on behalf of the petitioner for stay of further proceeding of
the execution case, the present application under Article 227 of the
Constitution of India has been filed.

It is not in dispute that the suit for declaration of
title and for recovery of possession has been decreed in favour of
the respondent and thereafter the respondent has filed the
execution case for delivery of possession. The petitioner in the
meantime filed a petition under Order 9 Rule 13 C.P.C. for setting
aside the ex parte decree and in that proceeding he filed the

petition for stay of further proceeding of the execution case which has been rejected by the court below.

No body has appeared on behalf of the petitioner.

The writ application is dismissed as not pressed.

(V. Nath, J)

Nitesh/-

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