

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19991 of 2014

- =====
1. Ganesh Mahto.
 2. Mahesh Mahto, both sons of late Janakdhari Mahto.
 3. Ramdeo Mahto.
 4. Bhajan Mahto, both sons of late Nathuni Mahto Gupta, all residents of village-Rambhadra, P.S. Hajipur Town, District-Vaishali.

.... Petitioner/s

Versus

Jaglal Mahto son of late Shyamlal Mahto, all residents of village-Rambhadra P.S. Hajipur, Town, District-Vaishali.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-01-2015

Heard the learned counsel for the petitioners.

Aggrieved by the order passed by the executing court rejecting the prayer of the judgment debtor-petitioners under Section 47 with Section 151 of the C.P.C., the petitioners have preferred this application under Article 227 of the Constitution of India. From the records, it is apparent that the order which is under challenge has been passed on 22.09.2012 whereas the present application has been filed on 24.11.2014.

The learned counsel for the petitioners has submitted that although the petition was presented in the year 2012 but it came to be filed

only in 2014 as the file remained missing. There is nothing on record to substantiate the said submission as it appears that the defect has been removed in the writ application on 19.11.2014 itself.

From the perusal of the impugned order and after consideration of the submissions, it is apparent that the objection raised by the petitioners has already been determined upto the Apex Court and the order passed by the Apex Court and other courts have been taken into notice by the executing court. In this view of the matter, this Court is not inclined to exercise its supervisory jurisdiction.

The writ application is, accordingly dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--