

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.520 of 2016**

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Md. Sikandar

.... Appellant/s

Versus

Smt. Sarda Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gauri Shankar Thakur

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 05-09-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 14.06.2016 passed by Sub Judge-III, Bettiah in Title Suit No.213 of 2010 whereby the Court below rejected the stay application filed by the petitioner praying for stay of further proceeding pursuant to Judgment and decree in the suit.

From perusal of the impugned order, it appears that the Court below recorded finding that the suit has been decided on merit, therefore, Order 9 Rule 13 CPC prima facie appears to be not maintainable, the Misc. case is barred by law of limitation and that the plaintiff decree holder has not filed any execution case, therefore, there is no question for stay of further proceeding in the suit arises.

In view of the aforesaid finding of the Court below, in my opinion, it is not a case for interference in exercise of supervisory jurisdiction. Thus, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)