

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1697 of 2016

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Bhag Narayan Rai & Ors

.... Petitioner/s

Versus

Hari Bans Roy & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-07-2016

Heard the learned counsel for the petitioners.

Perused the order dated 24.09.2015 passed by the learned
Execution Munsif, Muzaffarpur in Execution Case No.16/12 of
2011.

From perusal of the impugned order, it appears that the
Court below has assigned good reasons and also has considered
various decisions of the Supreme Court as well as the High Court
and then has rejected the objection filed by the petitioners. The
objection filed by the petitioners is not levelled under any
provision of the Code of Civil Procedure.

However, the judgment debtor has the right to file
objection under Section 47 of the C.P.C. When the Court below
has found that plot number is wrongly typed, in my opinion, on
this factual aspect only, the impugned order cannot be interfered
with particularly when the objection has rightly been rejected by

the Court below in view of the decision of the Supreme Court,
AIR 2001 Supreme Court 2551.

Thus, I find no reason to interfere with the impugned
order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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