

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1177 of 2016**

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Bijay Kumar

.... Appellant/s

Versus

Jhari Mistri & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Basant Kumar Mishra

For the Respondent/s : Mr.

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

2 25-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 04.07.2016 passed by the learned Civil Judge Ist-cum-Munsif I, Munger in Misc. Case No.9 of 1994 whereby the learned Court below has rejected the miscellaneous case registered on the basis of an objection filed by the petitioner under Section 47 of the Code of Civil Procedure.

From perusal of the impugned order, it appears that the Court below clearly recorded finding that this miscellaneous case has been filed by a fictitious person and in spite of repeated directions, the petitioner was not appearing before the court and on the date of order also, he was absent and considering the record and the direction of the High Court that the cases which have been filed prior to 2000 should be disposed of expeditiously, the court below has dismissed the miscellaneous case.

It may be mentioned here that the execution case has

been filed in the year 1980 and the application under Section 47 is of the year 1994 which is still pending at the instance of the petitioner. Therefore, it appears that the petitioner is intentionally delaying the disposal of the execution case.

Accordingly, I find no reason to interfere with the impugned order. Thus, this Civil Miscellaneous application is disposed of. The Court below is directed to execute the decree as early as possible.

(Mungeshwar Sahoo, J)

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