

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11383 of 2014

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Ashok Singh @ Ashok Kumar Singh S/o Late Ramji Singh. Resident of Village- Mahmadpur, P.S.- Goriyakothi, at present- Tarwara, P.O.- Kala dumra, District- Siwan

.... Petitioner

Versus

1. Bidya Singh S/o Late Kuldeep Singh
2. Krishna Singh s/o Late Kuldeep Singh Both resident of village- Hariharpur Lal Garh, Pragana Bara, P.S.- Barhariya, P.O.- Haripur, District- Siwan
3. Baikunth Singh s/o Sahdeo Singh
4. Ramjhari Devi W/o Mathura Singh. Both resident of village- Mahamadpur, P.S.- Goriyakothi, at present- Tarwara, P.O.- Kala Dumara, District- Siwan

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 01-08-2016 No body appears on behalf of the petitioner in spite of repeated calls.

Perused the impugned order.

It appears that the proceeding of the execution case was closed by order dated 11.10.2012 on the prayer of the decree holder-petitioner stating therein that the decree holder had got possession over the suit land. In view of the aforesaid submission and the prayer, the proceeding was closed. It appears that subsequently on 06.11.2012 the petition was filed on behalf of the decree holder for reviving the proceeding of the execution case

for realization of the cost. By the impugned order the learned court below observing that the proceeding was earlier closed at the instance of the decree holder himself, has dismissed the petition.

In the aforesaid backdrop, this Court is not inclined to interdict the impugned order under the jurisdiction under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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