

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13253 of 2014

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1. Nilam Devi wife of Sri Rajendra Sah, D/O Late Hazari Sahu alias Hazari Khattik
resident of Mohalla Kotwali Chowk, Naka No. 5 , P.O. Lalbagh, P.S. Town District
Darbhanga.

.... Petitioner/s

Versus

1. Raj Narayan Mahto
2. Raj Kumar Mahto Both are sons of Late Laxmi Mahto resident of Mohalla
Maulaganj, P.O. and P.S. Laheriasarai, District Darbhanga.
3. Jagdish Nayak son of Late Jokhan Nayak Resident of Mohalla - Sonapat, P.O.
Lalbagh, P.S. Town, District Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Kaushalesh Choubey, Adv
For the Respondent/s : Mr. R.K. Choudhary, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH

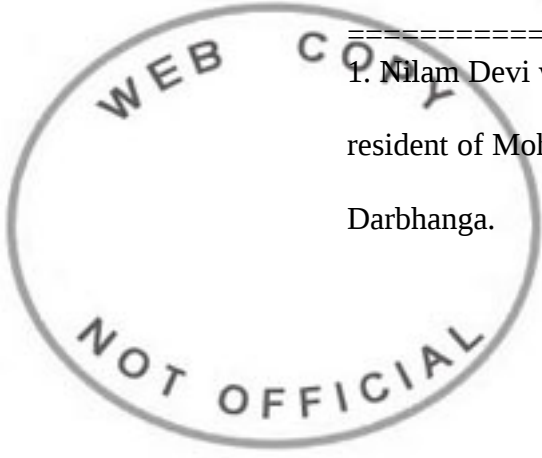
ORAL JUDGMENT

Date: 19-09-2016

Heard learned counsel for the parties.

The present application has been filed by the
judgment-debtor being aggrieved by the order passed by the
executing court rejecting the petition under Section 47 of the CPC
filed by the judgment-debtor.

Learned counsel for the respondents has submitted that





the decree now stands executed and the Eviction Execution Case No. 21 of 1997 has been disposed of after satisfaction of the decree and has placed the order dated 29.03.2016 passed in the execution case annexed with the supplementary affidavit filed on behalf of the respondent nos. 1 to 3 in this regard. It has, therefore, been submitted that this application has become infructuous.

After considering the submissions on behalf of the parties and in view of the fact that the Eviction Execution Case No. 21 of 1997 has already been disposed of recording the satisfaction of the decree, this Court concludes that this application has become infructuous. At this juncture, the learned counsel for the petitioner has submitted that S.A. No. 19 of 2006 filed by the petitioner has been admitted for hearing wherein, the issue of right, title and interest of the parties over the suit property is involved and still to be determined and on this base it has been prayed that an observation be made that the right, title and interest of the parties over the suit property would abide by the final outcome of the second appeal. The learned counsel for the respondents has not disputed the pendency of the S.A. No. 19 of 2006.

This application is dismissed as infructuous. It, however, goes without saying that right, title and interest of the parties over the suit property would abide by the outcome of the

S.A. No. 19 of 2006, which, according to the submission on behalf of the petitioner, is still pending in that regard.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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