

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12639 of 2014

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Pradeep Sahu Son of Late Banarsi Sahu residents of Village Chewara, P.O.-
Chewara, P.S.- Chewara, District- Shekhpura.

.... Petitioner/s

Versus

1. Shyam Sundar Paswan Son of Kishun Paswan residents of Village Chewara,
P.O.- Chewara, P.S.- Chewara, District- Shekhpura.

2. Dayabati Devi Wife of Shyam Sunder Paswan residents of Village Chewara,
P.O.- Chewara, P.S.- Chewara, District- Shekhpura.

3. Guddu Paswan Son of Shyam Sundar Paswan residents of Village Chewara,
P.O.- Chewara, P.S.- Chewara, District- Shekhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-09-2016

Heard learned counsel for the petitioner.

The order by the executing court below directing for institution of a miscellaneous case for determining the objections raised by the respondent nos. 2 and 3 in the execution case is under question in this application under Article 227 of the Constitution of India filed by the plaintiff-decree holder.

After considering the submissions, the fact is apparent that the respondent nos. 2 and 3 were not parties in the suit and the decree in the suit has been obtained only against the respondent no. 1. It is thus apparent that the learned court below has rightly decided to

adjudicate the claims as raised by the respondent nos. 2 and 3 in the execution case. This Court does not find any error of jurisdiction or material irregularity in the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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