

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.27 of 2016**

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Surendra Baheliya

Versus

Rita Devi & Anr

.... .... Appellant/s

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Arun Kumar Rai

For the Respondent/s : Mr.

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

3      29-08-2016

Learned counsel, Mr. Arun Kumar Rai, appearing for the petitioner submitted that in view of the order passed by this Court in C.W.J.C. No. 2343 of 2016 heard along with this civil miscellaneous, he may be permitted to withdraw this civil miscellaneous application.

Permission is accorded.

Accordingly, this civil miscellaneous application is dismissed as withdrawn.

However, learned counsel for the parties submitted that they will assist the Executing Court to expedite the disposal of Miscellaneous Case No. 31 of 2013 and for that they will not pray for unnecessary time in the court below and shall examine the witnesses, expeditiously, so that the miscellaneous case may be disposed of expeditiously.

It is made clear that till the disposal of the

miscellaneous case, the delivery of possession with respect to the property claimed by respondent No.2, herein, Nirmala Sinha, shall remain stayed. So far execution case is concerned, it shall proceed against other persons i.e. judgment debtor.

brajesh/-

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**(Mungeshwar Sahoo, J.)**