

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4962 of 2014

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Krishna Kumar Mahto

.... Petitioner/s

Versus

Vishundeo Nayak & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 04-02-2016

Heard learned counsel, Mr. Ajit Kumar, appearing
for the petitioner.

This application under Article 227 of the Constitution of India has been filed by the judgment debtor-petitioner against the order dated 01.02.2014 passed by the learned Sub-Judge, Junior Division-I in Title Execution Case No. 04 of 2004, whereby the court below issued writ for delivery of possession of the suit property.

According to learned counsel for the petitioner, earlier the writ was issued for affecting delivery of possession and pursuant to that, the delivery of possession has already been affected and this fact has clearly been stated by the petitioner in paragraph No. 10 of writ application.

Perused the order passed by the court below. It appears that the decree holder filed application before the

executing court stating that no delivery of possession has been affected regarding the entire property. Therefore, after hearing the parties, the court below directed and issued further writ for delivery of possession. From perusal of the paragraph No. 10 of the writ application, it appears that the petitioner himself admitted that, in fact, possession of the entire suit property has already been delivered in favour of the petitioner.

In view of the admission of the petitioner that he is not in possession of the property, there is no question of his being prejudiced by the order passed by the executing court arises. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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