

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.552 of 2016**

Baijnath Kamkar @ Baijnath Mahto & Anr

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Srivastava

For the Respondent/s : Mr. Gp29- Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 06-09-2016

Heard the learned counsel for the petitioners.

Admitted fact is that in this Civil Miscellaneous application under Article 227 of the Constitution, no order is under challenge. Prayer has been made directly to this Court that during the pendency of the title appeal, the Execution Case No.10 of 2014 pending in the Court of Sub Judge I, Gopalganj be stayed.

It appears that the application for stay has been filed before the appellate court and also before the executing court. In such circumstances, when no order has been passed by the Court below on the application filed by the petitioners, this application under Article 227 is not maintainable and accordingly, it is dismissed.

The petitioner, if so advised, may press his application for stay before the appellate court.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--