

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3252 of 2016

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Smt. Rajo Devi W/o Shri Shrawan Kumar Bazaz Resident of Mohalla, P.O. & P.S.- Kaleiya Bazar, District- Birganj, Country- Nepal.

.... Petitioner

Versus

Smt. Kiran Devi W/o Shri Sajjan Kumar Modi Resident of Mohalla Sikandarpur Road, P.S.- Town, P.O. & District Muzaffarpur.

.... Respondent

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Appearance:

For the Petitioner : Mr. Arun Kumar Prasad

For the Respondent : Mr. S. K. Dwivedi

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

3 21-04-2016 Heard Mr. Arun Kumar Prasad, learned counsel on behalf of the petitioner and learned senior counsel Mr. S. S. Dwivedi, for the respondent.

By the order dated 21.11.2015, the learned 1st Additional District Judge, Muzaffarpur rejected the stay application filed by the petitioner in Miscellaneous Case No. 1 of 2015 and refused to stay further proceeding in Execution Case No. 3 of 2004.

From perusal of the impugned order, it appears that the Court below has assigned reasons and found that in fact the Title Appeal filed by the petitioner was dismissed for non-payment of court fee. Subsequently, M.J.C. application was filed for restoration of the said Title Appeal which was also dismissed

for default and thereafter the present M.J.C. application has been filed.

In view of the above position, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

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