

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2952 of 2016

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Haldhar Singh @ Haldhar Prasad Singh & Anr

.... Petitioner/s

Versus

Jeera Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Obaidur Rahman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 25-07-2016

Heard the learned counsel, Mr. Dharendra Nath Jha for
the petitioners.

Perused the order dated 13.07.2012 passed by the learned
Munsif I, Bhagalpur in Title Execution Case No.3 of 2011
whereby the Court below has dismissed the execution case on the
ground that it is not maintainable as the plaintiff's suit was for
declaration that the plaintiff has right of easement over the suit
land mentioned in the plaint.

It appears that the learned Court below passed the order
relying on the decision of the Supreme Court AIR 1998 Supreme
Court 743 wherein the Hon'ble Supreme Court has held that
"declaratory decree merely declares the right of the decree holder
vis-à-vis the judgment debtor and does not in terms direct the
judgment debtor to do or refrain from doing any particular act or
thing."

In view of the above settled proposition of law, I do not find any irregularity in the order passed by the Court below. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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