

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6107 of 2016

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Dinesh Singh

.... Petitioner/s

Versus

Satyadeo Prasad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

4 13-05-2016 Heard the learned counsel, Mr. Devendra Prasad Singh, for the petitioner and learned counsel, Mr. Parthasarathi for the respondent.

By the impugned order dated 28.03.2016, the executing Court in Execution case No.17 of 1994 only rejected to issue D.P. as till then no stay order was granted to the notice of the executing Court.

It appears that the review application was filed for review of Judgment of this Court passed in Second Appeal. The said review application was dismissed and thereafter, the MJC application was filed for restoration of review application. On the ground of pendency of the said restoration / review application, time was being taken by the petitioner in the executing Court. On the date when the order was passed, no stay order was produced and,

therefore, the Court below has rejected the application filed by the petitioner. In such circumstances, it is not a fit case for interference in supervisory jurisdiction arises.

Thus, the writ application is dismissed.

Heard the parties on the interlocutory application No.2913 of 2016.

In this application, the petitioner has prayed that he may be permitted to remain in occupation of the suit premises for four months. So far this application is concerned while exercising jurisdiction under Article 227 of the Constitution of India and examining the correctness or otherwise of the impugned order, this Court cannot grant such time as this Court is not sitting as an appellate Court against the decree.

Thus, I find no reason to allow the application. Thus, the said interlocutory application is also rejected.

(Mungeshwar Sahoo, J)

Sanjeev/-

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