

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.654 of 2015

=====

Madho Sharma

.... Petitioner/s

Versus

Mostt. Sampat Devi & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 09-03-2016

Heard the learned counsel, Mr. Shiv Kumar Dwivedy
for the petitioner and the learned counsel, Mr. Rajesh Kumar for
the respondents.

This application has been filed against the order dated
21.02.2014 passed by Munsif, Bettiah, West Champaran in
Execution Case No.1 of 2008 whereby the Court below rejected
the application for stay of further proceeding of the execution case
during the pendency of the Misc. Case filed by the petitioner
under Order 21 Rule 97, 99 and 101 C.P.C.

Perused the order.

It appears that the petitioner is claiming title through his
father. The suit was filed by the plaintiff-decree holder for
declaration of title and recovery of possession. One of the brothers
of the petitioner was party in the suit. The brother of the petitioner
contested the suit on the ground that father of the petitioner had

already purchased the property by sada sale deed. The trial court considered the sada sale deed in the name of the petitioner's father and thereafter decreed the suit. The trial court judgment was upheld upto the High Court. Thereafter in the execution case, this application was filed under Order 21 Rule 97, 99 and 101 C.P.C. and stay application was filed. The Court below considered all these facts and recorded finding that the petitioner is not claiming independent title but he is claiming title through his father.

In view of the above finding of the court below, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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