

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1121 of 2016**

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Tarni Paswan & Ors

.... Appellant/s

Versus

Dinesh Paswan & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**
ORAL ORDER

2 19-11-2016 Heard the learned counsel, Mr. Rajesh Kumar Sinha, for the
petitioner.

Perused the impugned order dated 10.06.2016 passed by the learned
Munsif, Madhepura in Execution Case No.3 of 2006 whereby the learned
Court below has only directed to issue delivery of possession on the basis of
the report of the pleader commissioner.

Admittedly, the suit for declaration of title and recovery of possession
has been decreed by the trial Court. The appellate Court dismissed the
appeal filed by the petitioner. Therefore, the petitioner is at liberty to file
Second Appeal against the appellate Court Judgment, if not filed and pray
for stay in that title appeal but for that purpose in this Civil Misc.
application, no stay can be granted and accordingly, I find no reason to
interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)