

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.123 of 2016**

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Subir Barua & Ors

.... Appellant/s

Versus

Most. Bela Rani Ghosh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr.

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

2 13-07-2016

Heard learned counsel Mr. Shri Prakash Srivastava for
the petitioners.

The learned court below by the impugned order dated
13.12.2015 passed by Subordinate Judge-I, Madhepura in Title
Execution Case No.01 of 2010/C.S. No.247 of 2014 whereby the
delivery of possession has been effected without considering the
application filed by the petitioners under Order 21 Rule 29 of the
Code of Civil Procedure.

From perusal of the case record, it appears that in suit
the decree has been passed against these petitioners, which is put
under execution in Title Execution Case No.01 of 2010/C.S.
No.247 of 2014. Admittedly at present no suit filed by these
petitioners against the decree-holder is pending and, therefore,
there is no question of application of Order 21 Rule 29 of the Code

of Civil Procedure arises. Therefore, I find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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