

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22096 of 2012

=====

Rajesh Kumar Patel

.... Petitioner/s

Versus

The State of Bihar through Law Secretary, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar-Advocate

For the Respondent/s : Mr. A. K. Upadhyaya-SC-20

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 08-03-2016

Heard learned counsel for the petitioner as well as

learned Standing Counsel-20.

Seen the report submitted by the learned lower Court wherefrom it is evident that having fault at the part of the petitioner, as he failed to appear on 22.02.2016, 26.02.2016 and 29.02.2016, the date so fixed by the learned lower Court for filing necessary requisites to enable the Court to issue writ could not be taken up. The next date was fixed on 04.03.2016.

The learned counsel for the petitioner is unable to explain absence of the petitioner on 22.02.2016, 26.02.2016 and 29.02.2016 as indicated above and in likewise manner, is unable to divulge the step taken by the petitioner before the learned lower Court on 04.03.2016 and for that, an adjournment has been sought for.

Petitioner is the decree-holder and whenever there

happens to be an obstruction during course of execution of a decree relating to delivery of possession, then in that event, the matter is to be proceeded in terms of Order-21, Rule-97 of the C.P.C. which, the petitioner would be entitled to plead.

With the aforesaid observation, instant petition is dismissed.

(Aditya Kumar Trivedi, J)

Vikash/-

U			
---	--	--	--