

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1492 of 2016**

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Bibi Sarwat Begum @ Sarwat Begum

.... Appellant/s

Versus

Md. Shafique & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Radha Mohan Pandey

For the Respondent/s : Mr.

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

2 08-12-2016 Heard the learned counsel, Mr. Radha Mohan Pandey
for the petitioner.

Perused the impugned order dated 24.11.2016 passed
by Sub Judge III, Gaya in Execution Case No.4 of 2016.

According to the learned counsel for the petitioner
himself, he has filed title appeal against the impugned judgment
and decree before the lower appellate court wherein application
under Order 41 Rule 5 C.P.C. has been filed praying for stay of
execution case and the Court below had already granted stay for
10 days.

In such view of the matter, this application before the
Executing Court for stay of the execution case itself was not
maintainable and the Court below has rightly rejected the same.

Thus, I find no reason to interfere with the impugned
order in exercise of supervisory jurisdiction. Accordingly, this



Civil Miscellaneous application is dismissed.

However, the petitioner may pursue the application
before the appellate court.

(Mungeshwar Sahoo, J)

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