

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.802 of 2016**

Chinta Devi

.... Appellant/s

Versus

Md. Haidar Ali & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar @ Ravindra Kr Rai

For the Respondent/s : Mr.

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

2 23-08-2016

This application, under Article 227 of the Constitution of India, has been filed by the petitioner against the order dated 14.06.2016 passed by the Executing Court i.e. Sub-Judge-II, Saran, Chapra in Execution Case No. 01 of 2013, whereby the court below has rejected the objection filed by the petitioner for dismissal of the execution case.

2. Learned counsel, Mr. S.N. Singh, appearing for the petitioner submitted that against the judgment and decree, which is to be under execution, the petitioner has already filed T.A. No. 18 of 2013 and in that execution case, stay application under Order 41 Rule 5 C.P.C. praying, therein, to stay the further proceeding in execution case pending in the court below.

3. In such circumstances, since the stay application is pending before the lower appellate court, the learned executing court has rightly rejected the application filed by the petitioner

praying for stay of the execution case. Therefore, in my opinion,
no case for interference in exercise of supervisory jurisdiction is
made out. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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