

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23775 of 2012

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SHIV BALAK PASWAN S/O LATE MUSAFIR PASWAN RESIDENT
OF VILLAGE- ISMAILPUR, P.S- HAJIPUR TOWN, DISTRICT-
VAISHALI.

.... PETITIONER/S

VERSUS

1. BHUNESHWAR PASWAN S/O LATE PALAKDHARI PASWAN
RESIDENT OF VILLAGE- ISMAILPUR, P.S- HAJIPUR TOWN,
DISTRICT- VAISHALI.

2. BISHUNDHARI PASWAN S/O LATE MUSAFIR PASWAN
RESIDENT OF VILLAGE- ISMAILPUR, P.S- HAJIPUR TOWN,
DISTRICT- VAISHALI.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 18-02-2016 Heard learned counsel for the petitioner. Gone
through the order impugned.

Petitioner has raised objection over continuance of
Execution Case No. 3 of 2007 which has been filed on account of
judgment and degree of Title Suit No.184 of 1996 wherein,
petitioner had appeared, filed their W.S. and then left. To annul
the same, petitioner has launched T.S. No.525 of 2010, which is
sub-judice before the learned lower court and on account thereof,
the remarks so made by the learned lower court on that very score

by the order impugned should not cause prejudice to the petitioner nor the execution of the decree will cast any sort of hindrance during consideration of T.S. No.525 of 2010 by the learned lower court. The learned lower court, in case decides the suit in favour of petitioner then in that event, will be also competent enough to nullify the outcome of Execution Case No. 3 of 2007.

That being so, petitioner for the present did not have any cause whereupon, instant petition is found devoid of merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

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