

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.342 of 2017**

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Bhim Shankar Tiwary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Ojha

For the Respondent/s : Mr. Sajid Salim Khan-Sc25

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

2 23-02-2017 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner is challenging the order dated
10.01.2017 passed by learned Civil Judge(Sr. Div.) III, Patna in
Execution Case No.5 of 2015.

This execution case arises out of eviction suit filed by
the decree holder under the Bihar Building(Lease, Rent &
Eviction) Control Act. After decree, the execution case has been
filed for executing the decree against the judgment debtor. The
petitioner is neither party to this eviction suit nor party in the
execution case. This order under challenge is also not passed at the
instance of the petitioner. He never approached the executing
court asserting his claim.

Thus, in no case at the instance of the petitioner, the
impugned order can be set aside as he is not party to the suit in



execution case.

Accordingly, this civil miscellaneous application is
dismissed.

(Mungeshwar Sahoo, J)

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