

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.196 of 1984

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Sidhnath Sharma

.... Appellant

Versus

Jagdish Prasad Tiwary alias Jagdish Tiwary

.... Respondent

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Appearance :

For the Appellant : Mr. Rajendra Narain, Sr. Advocate.
Mr. Sanjay Kumar Sharma, Advocate with him.
For the Respondent : Mr. Kumar Kaushik, Advocate.
Mr. Anup Kumar Tiwari, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL JUDGMENT

Date: 19-06-2017

This miscellaneous appeal was heard along with First Appeal No.347 of 1978 and separate order/judgment is being passed.

This miscellaneous appeal arises out of order dated 17.07.1984 passed by 2nd Subordinate Judge, Ara in Execution Case No.16 of 1978. The execution case has been filed by the decree-holder for execution of the decree passed in a suit for specific performance of contract being Title Suit No.30 of 1974. Against the judgment and decree passed in title suit, First Appeal No.347 of 1978 was filed by defendant no.2.

Today the first appeal has been allowed and the judgment and decree passed in Title Suit No.30 of 1974 has been set aside. Now, therefore, the execution case itself has become infructuous as



there is no decree to be executed.

Accordingly, in my opinion, this miscellaneous appeal has also become infructuous and thus, this miscellaneous appeal is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.06.2017
Transmission Date	

