

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1601 of 2016**

Mostt. Bachchi Devi

.... Appellant/s

Versus

Raghvendra Sahi @ Raghvendra Prasad Sahi

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Verma

For the Respondent/s : Mr.

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

ORAL ORDER

- 2 17-01-2017 **1.** Heard the learned counsel for the petitioner.
- 2.** Perused the impugned order dated 18.06.2016 passed by Sub Judge Ist, Muzaffarpur in Partition Execution Case No.1 of 2007 arising out of partition Suit No.75 of 1964 whereby the Court below rejected the application filed by the petitioner for obtaining certified copy of the final decree.
- 3.** It appears that the final decree was passed in the year 1999. Thereafter, execution case has been filed in 2007 being Execution Case No.1 of 2007, the Court below has issued delivery of possession pursuant to the final decree in the said execution case. At this stage, application has been filed by the petitioner in the execution case informing the executing Court that he has already filed a Chirkut for obtaining certified copy of the final decree which has not been supplied till date. The Court below by the impugned order has rejected this application on the ground that under the same circumstances, earlier



also application was filed and in that application, prayer was made for stay in the further proceeding in execution case till the copies is supplied to him. In my opinion, so far the ground taken by the petitioner is not required to be decided in the execution case as it neither relates to execution or satisfaction of the decree. Therefore, there is no reason as to why the impugned order be interfered with in exercise of supervisory jurisdiction. It appears that the petitioner is only trying to linger the disposal of the execution case and he has been able to drag the matter by adopting dilatory tactics by misusing the provision of the law. The Court below has also observed this fact that the petitioner's intention is to delay the disposal of execution case. In my opinion, therefore the application filed by the petitioner is frivolous and vexatious application with a view to delay the disposal of execution case.

4. Thus, this Civil Misc. application is dismissed with cost of Rs.5000/- to be paid by the petitioner to the respondent within one month from today failing which the Court below shall realize the same through the process of the Court in the execution case itself.

(Mungeshwar Sahoo, J)

Sanjeev/-

U		T	
---	--	---	--

