

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1607 of 2016

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Ashok Rai & Anr

.... Appellant/s

Versus

Kiran Devi & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madan Mohan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 17-01-2017 Heard the learned senior counsel, Mr. Ganapati Trivedi, for the petitioner.

Perused the impugned order dated 08.07.2016 passed by Munsif-II, Bhagalpur in Title Execution Case No.11 of 2015 whereby the learned Court below has rejected the petition filed by the petitioner praying for stay of further proceeding in Execution Case No.11 of 2015.

Admittedly, the petitioner has filed Title Appeal No.55 of 2015 but instead of pressing the stay application before appellate Court, the stay application has been filed before the executing Court. By the impugned order, the executing Court has rejected the application.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction as the appellate Court has the jurisdiction to stay the further proceeding wherein the



application has been filed which is still pending, therefore the petitioner may press the application before the appellate Court or pray for interim stay.

Therefore, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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