

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3594 of 2014

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1. Arun Kuamr Sinha S/o Late Jalendar Prasad Singh, Resident of Village-Nihura, P.S.-Janipur (Phulwarisharif), District-Patna.

.... Petitioner/s

Versus

1. Nisha Nath Ojha, President, District Consumer Forum, Patna represented through its President/Registrar the District Consumer Fourm, Patna.
2. Krishna Kumar Prasad, Secretary, Mitra Mandal Co-operative Housing Society Ltd. Represented through its Secretary, Mitra Mandal Co-operative Housing Society Ltd. Purandarpur, Patna.
3. Krishna Kumar Prasad, Secretary, Mitra Mandal Co-operative Housing Society Ltd. Represented through its Secretary, Mitra Mandal Co-operative Housing Society Ltd. Purandarpur, Patna.
4. Krishna Kumar Prasad Son of Late Alakh Niranjn Prasad, Resident of Mohalla-Yusufganj, P.S.-Laheriasarai, District-Darbhangha.
5. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 02-08-2017

Inter alia contending that an order passed by the learned Writ Court has not been complied with and in spite of orders passed on 25.10.2013 in C.W.J.C. No.18076 of 2012 the District Consumer Forum Patna is not taking any action for disposing of Execution Case No.55 of 1995 within a period of three months as directed, this application was filed for initiating action for contempt.

When the matter was taken up on the last date, this Court taking note of the fact that the execution proceedings were pending



before the District Consumer Forum, Patna since 1995 and in spite of this contempt application pending since 2014 nothing has been done and there was nothing to indicate that the execution proceedings were disposed of, directed the President, District Consumer Forum, Patna to remain present along with his show cause.

The officer is present before this Court today and has filed a show cause. Now from the show cause filed by the contesting respondent No.1 and the supplementary show cause filed by the officers of the Forum, it is seen that in the pending execution proceedings, on 17th of February, 2014 the petitioner herein who was the decree holder, was directed to furnish the particulars of the property of the respondent judgment debtor and it is the case of respondent No.1 that nothing has been supplied by the petitioner. Even though the petitioner, who is present in Court along with his Counsel, vehemently submitted that he has supplied the particulars, but from the communications made by the President of the District Consumer Disputes Redressal Forum, Patna by Annexure 6 on 28.4.2016 it is seen that the particulars had not been supplied and the details are not available to proceed with the proceedings.

That being so, it is a case where the execution proceedings are pending and due to a dispute between the petitioners and the so



called inaction of the petitioner in not providing the particulars of the property, execution proceeding is not being decided.

That being so, no case is made out to initiate action for contempt against the respondent. The application is disposed of.

Petitioner is granted liberty to pursue the execution proceedings in accordance with law.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.8.2017
Transmission Date	N/A

