

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.756 of 2017

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1. Rajesh Mahto,
 2. Badal Mahto, both sons of Late Shambhu Mahto, resident of Mohalla-
Lalbagh, Bhagat Singh Chowk, P.O.- Lalbagh, P.S.- Town, Distt-
Darbhanga.
 3. Raju Mahto,
 4. Mannu Mahto, both sons of Late Mishri Lal Mahto, Residents of
Mohalla- Labagh, Bhagat Singh Chowk, P.O.- Lalbagh, P.S.- Town,
Distt- Darbhanga.

..... Judgment Debtor.... Petitioners

Versus

1. Satyanarayan Thakur, Son of Bauelal Thakur,
2. Smt. Saraswati Devi, Wife of Satyanarayan Thakur,
3. Ganga Pd. Sharma, Son of Bauelal Thakur,
4. Rajesh,
5. Rakesh, both sons of Late Ganga Prasad Sharma,
6. Swarn Lata,
7. Hem Lata, both daughters of Late Ganga Prasad Sharma, All residents
of Mohalla- Bajitpur, P.S.- Lahriasarai, Distt- Darbhanga.
8. Haunman Prasad, Son of Durga Sah, Resident of Mohalla- Lalbagh,
Bhagat Singh Chowk, P.O.- Lalbagh, P.S.- Town, Distt- Darbhanga.

.....Decree Holder.... Respondents

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Choudhary
Mr. Dhananjai Kumar Singh
Mr. Jyoti Ranjan Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 12-05-2017 Heard Mr. Ashok Kumar Choudhary, learned Senior
Counsel for the petitioners.

The present petitioners are the judgment debtors in an
eviction suit and are aggrieved by rejection of their objection by the
executing court.

Learned Senior Counsel for the petitioners has submitted
that in the execution petition the date of judgment has been wrongly
given and further the area mentioned in the execution petition is also
not correct and in all probability if the decree will be executed



it will be beyond the judgment with regard to the claim of the plaintiffs.

After considering the submission and perusal of the materials on record, this Court finds that the learned court below has committed no illegality in passing the impugned order. It has not been disputed on behalf of the petitioners that the decree passed in the eviction suit has attained its finality. The objection raised by the petitioners in the execution proceeding certainly pertains to reopening of the decree which cannot be done by the executing court.

In the facts and circumstances of the case, this Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India.

This application is accordingly dismissed.

The executing court is directed to proceed with the execution case without any delay.

(V. Nath, J.)

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