

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No. 989 of 2017

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Smt. Smriti Singh Alias Nishu Daughter of Sri Santosh Kumar Singh and Wife of Neeraj Singh, Resident of Mohalla-Niwaranpur P.S.Chutia P.O. churia, District-Ranchi

.... Appellant/s

Versus

1. Sri Mohan Kumar Son of Late Deo Narayan Yadav
2. Smt. Kanchan Devi Wife of Sri Mohan Kumar Both Resident of Village-Sunder Birajit, P.S. Madhepura, District-Madhubani at Present residing at Mohalla-Digha Laxminia Gali, opp.Eye Hospital, P.S. Digha, P.O. Digha Ghat, District-Patna
3. Santosh Kumar Singh Son of Late Kishundeo Singh Resident of Mohalla-East Boring Canal road, P.S. Budha Colony, District-Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Janardhan Pd. Singh, Sr. Adv.
Mr. Dipak Kumar, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-06-2017

Heard Mr. Janardhan, Pd. Singh, learned senior counsel
for the petitioner.

Grieved by the order passed by the executing court
below directing the delivery of possession to the decree-holder, the
present application has been filed by the petitioner under Article 227
of the Constitution of India.

The facts are not in dispute that the decree-holder as
plaintiff filed the suit for specific performance of contract which was



decreed on the basis of compromise between the parties thereto. The decree-holder thereafter filed the execution case wherein the petitioner filed objection under Order 21 Rule 97 C.P.C. The said petition, however, was decided against the petitioner by passing order as stipulated in Rule 101 C.P.C. The decree-holder thereafter prayed for directing the delivery of possession which has been allowed by the impugned order.

After considering the submissions made by Mr. Singh, learned senior counsel for the petitioner and materials on record, it is manifest that after the dismissal of the objection as raised by the petitioner under Order 21 Rule 97 C.P.C., the learned court below has committed no illegality in passing the impugned order.

The present application, sans merit, is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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