

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16055 of 2013

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Dharambir Kumar Son Of Late Chadeswar Prasad Resident Of Village- Milki
Barari, P.S.- Karai Persurai, District- Nalanda, Bihar.

.... Petitioner/s

Versus

Rambali Singh Yadav Son Of Late Rambrichh Singh Resident Of Village- Karai
Persurai, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 02-02-2017

Heard learned counsel for the petitioner.

The present application under Article 227 of the
Constitution of India has been filed questioning the legal
sustainability of the impugned order passed in the Execution Case No.
01 of 2012 by which the learned court below has issued proclamation
of the attachment of the property.

After considering the submissions and perusal of the
materials on record including the impugned order, it is manifest that
the decree was passed against the petitioner in T.S. No. 56 of 2009
and thereafter the decree-holder filed execution case where the
impugned order has been passed. The submission on behalf of the
petitioner that the decree was passed ex parte and the impugned order



has also been passed ex parte cannot be sufficient for interdicting the impugned order as the petitioner has got remedies in law but the same has not been admittedly availed by the petitioner. This Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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