

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.24 of 2002

- =====
1. State of Bihar, through the Collector-cum-District Magistrate, Patna
Collectorate, Patna
 2. The Collector-cum-District Magistrate, Patna
 3. The Director, Social Security, Bihar Patna.

.... Appellant/s

Versus

1. Raj Kumar Sharma son of Hriday Sharma, resident of Bhita Kothi, Kadam
Kuan, P.S. Kadam Kuan, District Patna.
2. Girija Khadi Pratisthan, Dak Bunglow Chawack, Patna, P.S. Kotwali, District-
Patna, through its proprietor Raj Kumar Sharma son of Hriday Sharma resident
of Bihta Kothi, Kadam Kuan, P.S. Kadam Kuan, Patna

.... Respondent/s

with

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First Appeal No. 26 of 2002

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1. State of Bihar, through the Collector-cum-District Magistrate, Patna
Collectorate, Patna
2. The Collector-cum-District Magistrate, Patna
3. The Director, Social Security, Bihar Patna.

.... Appellant/s

Versus

1. Ramesh Sharma son of Hirdam Sharma, resident of peoples Co-operative,
Kankar Bagh, District –Patna
2. Laxmi Trader, Kankarbagh Patna through, Ramesh Sharma, Proprietor, Laxmi
Trader Kankarbagh, Patna.

.... Respondent/s

with

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First Appeal No. 27 of 2002

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1. The State of Bihar, through the Collector-cum-District Magistrate, Patna
Collectorate, Patna
2. The Collector-cum-District Magistrate, Patna
2. The Director, Social Security, Bihar Patna.

.... Appellant/s

Versus

1. M/s. Girija , a partnership Registered Firm, Dak Bunglow Road, Patna through
its Managing Partner, Raghubansh Sharma
2. Raghubansh Sharma, son of Late Rupa Narayan singh, resident of
Rajiv Nagar, P.S. Digha, Patna
3. Raj Kumar Sharma, son of Hriday Sharma, Bihta Kothi, Kadam Kuan, P.S.
Kadam Kuan, Patna.
4. Ramesh Sharma, son of Hriday Sharma, P.C.C., Kankarbagh, Patna, District-
Patna.
5. Durga Thakur, wife of Akhileshwar Thakur, E/10 Kankarbagh, Patna.



.... Respondent/s

with

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First Appeal No. 28 of 2002

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1. The State of Bihar, through the Collector-cum-District Magistrate, Patna
Collectorate, Patna
2. The Collector-cum-District Magistrate, Patna
3. The Director, Social Security, Bihar Patna.

.... Appellant/s

Versus

1. Ramesh Sharma, son of Hriday Sharma, resident of C.C. 11 P.C.C. Colony,
Kankarbagh, P.S. Kankarbagh, District- Patna
2. Girija Khadi Bhawan, New Market Patna, P.S. Kotwali, District- Patna, through
its proprietor Ramesh Sharma.

.... Respondent/s

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Appearance :

(In FA No.24 of 2002), (In FA No.26 of 2002), (In FA No.27 of 2002)
& (In FA No.28 of 2002)

For the Appellant/s : Mr. R.B. Prasad Yadav, A.A.G-11,
Mr. Ramashray Roy, A.C

For the Respondent/s : Mr. Sunil Kumar @ Sharma
(A.O.R. No. 00255)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

Date: 05-01-2018

First Appeal Nos. 24 of 2002, 26 of 2002, 27 of 2002 and
28 of 2002, all these four appeals have been preferred by the State of
Bihar and Others, challenging the judgment dated 29.04.2000 and
decree dated 12.05.2000 respectively passed in Money Suit Nos. 59
of 1999, 60 of 1999, 61 of 1999 and 62 of 1999. All these four money
suits were disposed of by common judgment, against which
abovenoted four appeals have been preferred.

Mr. Rajballabh Prasad Yadav, learned AAG-11, submits



that challenging the interest granted by the learned court below, these appeals have been filed but during pendency of these appeals Civil Revision Nos. 997 of 2001, 998 of 2001, 999 of 2001 and 1000 of 2001 were filed challenging the order dated 31.03.2001 passed in Execution Case Nos. 13 of 2000, 14 of 2000, 15 of 2000 and 16 of 2000. The Execution Court Patna rejected the objection filed by the judgment debtor directing them to deposit the decreed amount along with interest of 18% as directed in the judgment passed in Money Suit Nos. 59 of 1999, 60 of 1999, 61 of 1999 and 62 of 1999. After hearing the parties C.R. No. 997 of 2001, 998 of 2001, 999 of 2001 and 1000 of 2001 were dismissed vide order dated 25.01.2002, against which petitions for Special Leave to Appeal (Civil) No. 8808-8811 of 2002 were filed in the Apex Court but vide order dated 07.05.2002 leave petitions were dismissed. Thereafter, the appellants have deposited the principal amount and interest as directed by the Execution Court and now there is no dues. It is also submitted that as the principal amount with interest has already been deposited and, as such, all these appeals have become infructuous and now he does not want to press these appeals.

Sri Sunil Kumar Sharma, the learned counsel for the respondents, fairly submits that the appellants have already paid the principal amount with interest as per judgment and decree passed in



Money Suit Nos. 59 of 1999, 60 of 1999, 61 of 1999 and 62 of 1999
and now there is no dues of any kind.

Under the facts and circumstances, as stated above these
four appeals are hereby dismissed as not pressed.

(Jitendra Mohan Sharma, J.)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.01.2018
Transmission Date	

