

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.711 of 2018

1. The State of Bihar through the Secretary to the Government of Bihar Department of Irrigation (Now Water Resources Department), Third Secretariat Building, Patna.
2. The Chief Engineer, Department of Irrigation Government of Bihar, Sone Bhawan, Veerchand Patel Road, Patna.
3. The Superintending Engineer, Ganga Sone Flood Protection Circle Mithapur, Patna.
4. The Executive Engineer, Ganga Sone Floor Protection Division Digha P.S. Digha, Patna.
5. The Divisional Account Ganga Sone Flood Protection Division Digha P.S. Digha, Patna.
6. The Collector, Patna.

... .. Petitioners

Versus

M/s Ruby Construction through its Partner Shir Balashwar Singh, Arya Kumar Road Rajendra Nagar, P.S. Kadam Kuan, Patna.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 07-12-2018 Heard learned counsel for the petitioners-judgment debtor and the learned counsel appearing on behalf of decree-holder.

The petitioners have filed this civil miscellaneous petition against the order dated 09.11.2017, passed by learned Sub-Judge-II, Patna in Execution Case No.10 of 2006 by which the learned Sub-Judge-II, Patna appointed a Chartered Accountant for calculation of the amount ordered to be paid by the judgment and decree passed in Title Suit No.314 of 1985 affirmed by the High Court in First Appeal No.67 of 2006.



The learned counsel for the decree-holder submits that the decree holder is also aggrieved by the order by which Chartered Accountant was appointed for calculation of the money and doubted the correctness of the calculation made by the Chartered Accountant.

In this view of the fact, as both sides agreed that this order be set aside and the matter be remitted to the executing court to proceed further in accordance with law in terms of the judgment and decree, accordingly, with the consent of both parties order dated 09.11.2017, passed in Execution Case No.10 of 2006 is set aside. The matter is remitted to the executing court to proceed straightly in terms of the judgment and decree passed by the learned court below as well as by the High Court in First Appeal No.67 of 2006. Since the execution case is pending since 2006, the executing court is directed to dispose of the execution case preferably within four months.

This civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

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