

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.972 of 2018

In

Civil Writ Jurisdiction Case No. 751 of 2018

=====

Yogendra Pandit, son of Late Gokhula Pandit, Resident of Village-Banjari
(Bhit Bherwa), P.O.+P.S.+District-Gopalganj.

.... Appellant/s

Versus

1. Satyapal Sah, Son of Harihar Sah.
2. Gyan Prakash Gupta, Son of Satyapal Arya.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Satya Ranjan Sinha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 16-08-2018

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition only for a direction to the executing court to dispose of the execution case in accordance with law.

Learned counsel for the judgment debtor submits that the decree holder has obtained the judgment and decree by playing fraud, whereas, assertion of the judgment holder is that even if judgment and decree is obtained by playing fraud upon the court, its execution cannot be stopped. There is a provision that the judgment debtor may file objection before the executing court for taking appropriate steps to show that the judgment is not executable in the eye of law.

Considering the facts and circumstances of the case,



this civil miscellaneous petition is disposed of with a direction to executing court to dispose of the execution case as soon as possible, preferably within a period of nine months from the date of receipt of a copy of this order considering the objection of the judgment debtor in accordance with law.

(Prabhat Kumar Jha, J)

sushma/abhijeet-

U			
---	--	--	--

