

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18421 of 2012

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Raghuni Sahni Son Of Late Tulsi Sahni Resident Of Village - Bara, P.S.
Khodawandpur, District - Begusarai

.... Petitioner

Versus

1. The State Of Bihar
2. The Collector, Begusarai, District Begusarai
3. The Circle Officer, Khodawandpur, District - Begusarai
4. The Circle Inspector, Khodawandpur, District - Begusarai
5. The Halka Karmchari, Khodawandpur, District - Begusarai
6. Ram Bilash Sahni Son Of Late Rameshwar Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai
7. Ganga Prasad Sahni Son Of Late Rameshwar Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai
8. Yogendra Sahni Son Of Late Sri Ram Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai
9. Rampari Devi Wife Of Late Nand Lal Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai
10. Awadhesh Sahni Son Of Late Paltan Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai
11. Ramjeet Sahni Son Of Late Paltan Sahni Resident Of Village - Bara, P.S. Khodawandpur, District - Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar Tiwari, Advocate
For the Respondents : Mr. Manoj Kumar, Advocate,
For the State : Mr. Madhaw Prasad Yadav, GP-23.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

7 03-01-2018 This application has been filed for issuance of appropriate writ or order or direction commanding the respondents to comply the judgment and decree dated 29.06.2009 passed by Sub Judge-VI, Begusarai in Title Suit No.212 of 2004.

2. Heard learned counsel for the petitioner as well as the respondents.



3. It appears that the petitioner filed a Title Suit before the court below which after hearing was allowed. The suit was decreed and plaintiff-petitioner was found entitled to 1/3rd share in the suit property mentioned in schedule-III of the plaint. The petitioner wants to get the decree executed. In this regard, the petitioner has sought relief for direction to the respondents. The present application filed for direction to the respondents is not sustainable before this Court in view of the fact that the proper remedy for the petitioner is to file execution case before the court below for carving out separate patty in the suit property as per preliminary decree and also for his exclusive possession.

4. In view of above facts, I do not find any merit in this application. This application is accordingly dismissed.

(Sanjay Kumar, J)

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