

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.971 of 2018**

In

Civil Writ Jurisdiction Case No. 1924 of 2018

=====

Yogendra Pandit, son of Late Gokhula Pandit, Resident of Village- Banjari
Pargana- Kuari, P.O.+P.S+Distt- Gopalganj

.... Appellant/s

Versus

1. Kamal Pandit , son of Late Mathura Pandit, Resident of Village- Bhit
Bherwa (Banjari), P.S.+Distt- Gopalganj
2. Bhoodan Mantri, Bhoodan Yaga Committee Office, Arar More,
P.S.+Distt-Gopalganj

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Satya Ranjan Sinha

For the Respondent/s : Mr. Shailendra Kumar Dwivedi

=====

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.

(Prabhat Kumar Jha, J)

sushma/abhijeet-

U		T	
---	--	---	--

