

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.973 of 2018

In

Civil Writ Jurisdiction Case No. 760 of 2018

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

.... Appellant/s

Versus

1. Bikrama Kohar son of Late Anmol Kohar.
2. Shiv Kumari Devi, wife of Bikrama Kohar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Ranjan Sinha

For the Respondent/s : Mr.

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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.

Disposal the execution as soon as possible after
considering the objection of the judgment and debtor in
accordance with law.

(Prabhat Kumar Jha, J)

sushma/abhijeet-

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