

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.70 of 2019

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Binod Kumar @ Vinod Kumar Son of Late Rajendra Singh Proprietor Jyoti
Medical Hall, Ashok Rajpath, Opposite Khuda Baksh Khan Library, P.S.-
Pirbahore, Town and District- Patna.

... .. Petitioner/s

Versus

Prasidh Narayan Singh Son of Chhotu Singh Resident of J/148, P.C. Colony,
P.S.- Kankarbagh, Town and District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi
For the Respondent/s : Mr.Naresh Chandra Verma, Adv & Mr. Uma
Shankar Prasad Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-04-2019 Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. This civil revision application has been filed for
setting aside the order dated 27.02.2019 passed by Sub-Judge-
IV, Patna in Execution Case No. 2 of 2015/ 82 of 2015, by
which the learned court below has rejected the petition dated
29.08.2018 filed by petitioner.

3. The wife of opposite party filed Title Eviction Suit
No. 18 of 1999 for eviction of petitioner on the ground of
personal necessity and on contest, the eviction suit of opposite
party was partly decreed and the trial Court held that personal



necessity of opposite party will be satisfied on partial eviction of the suit premises (shop) and directed the suit premises(shop) to be partitioned half and half and eastern portion to be provided to opposite party and same shall be vacated by the petitioner. The revision filed by the petitioner against said order was dismissed by High Court and SLP preferred was also dismissed.

4. Opposite party thereafter filed Execution Case No. 02/82 of 2015 for execution of partial decree in which petitioner filed an objection under Section 47 of CPC giving rise to Miscellaneous Case No. 05 of 2017, which was dismissed by the executing court on 17.03.2018, against which petitioner has preferred Civil Revision No. 47 of 2018 which is still pending before this Court. Petitioner thereafter again filed a petition for appointment of Advocate Commissioner to effectuate delivery of possession due to vagueness of decree which was rejected by the executing court vide order dated 27.02.2019. Petitioner has taken same objections in this petition which he had taken at the time of objection filed under Section 47 of CPC.

5. The executing court has held that there is no vagueness in the decree and Nazir is competent to effectuate delivery of possession as per decree and rejected the petition of petitioner for requirement of Advocate Commissioner to



effectuate delivery of possession. Petitioner is repeatedly filing petition without repentance before the executing court raising similar objections only to deny the benefits of decree in favour of opposite party and misusing and abusing the process of court by his such conduct.

6. There is no merit in the civil revision petition, accordingly same is dismissed. The executing court is directed to hand over the physical possession of the shop to the decree holder in terms of decree of partial eviction to the decree holder forthwith.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
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