

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4012 of 2013

In
CIVIL REVISION No.729 of 2010

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Shivanand Mishra, Son of Late Anirudh Mishra, R/o Lalbagh, Town, P.S. and District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department, Govt. of Bihar, Patna, presently Mr. Amir Subhani.
2. The Zonal I.G. of Police, Darbhanga Zone, at Laheriasarai, Darbhanga, presently Mr.E.S.Ganwar.
3. The District Magistrate, Darbhanga at Laheriasarai, presently Mr. Kumar Ravi.
4. The Senior S.P., Darbhanga at Laheriasarai, Mr.Upendra Sharma.
5. The Officer-in-Charge, Darbhanga Town Police Station Mr.Nityanand Shukla.
6. Mr. S.Topo, S.I. of Police, Darbhanga Town Police Station , Darbhanga.
7. Mr. M.K.Sharma, S.I. of Police, Darbhanga Town Police Station, Darbhanga.
8. Mr.S.N. Singh, S.I. of Police, Darbhanga Town P.S., Darbhanga.
9. Mr. Yashodanand Singh, Nazir Civil Court Darbhanga at Laheriasarai.
10. Mr.Santosh Kumar Jha, Nazir Civil Court, Darbhanga at Laheriasarai.
11. Mr. Satya Narain Prasad Kedia Son of Late Satyendra Prasad Kedia, R/o Mohalla-Lalbagh, Town , P.S. & District-Darbhangha.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Mayanand Jha, Adv
For the Opposite Party/s : Mr.Devendra Kr Sinha,Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-03-2019

Heard learned counsel for the parties.

2. This MJC application has been filed by the petitioner for punishing the opposite parties for contempt of willful disobedience of order of this Court dated 28.06.2013 passed in C.R.No.729 of 2010.

3. By the said order, operation of the judgment and decree dated 30.07.2010 passed in Eviction Suit No.30 of 1989



was stayed by this Court. The Nazir, executing the decree passed in the eviction suit, reported on 01.07.2013 that the judgment-debtor has already vacated the suit premises and handed over possession to the decree-holder in presence of the Officer-in-Charge of this police station and on the same day, the decree holder started demolishing the house.

4. The assertion of the petitioner is that in fact the judgment-debtor was thrown away from the house on 30.07.2013 itself and the house was started to be demolished. The opposite parties had knowledge of the stay order.

5. In their show cause, the opposite parties stated that when the decree was executed on 30.07.2013, no order of the Hon'ble Court was communicated to the opposite parties. Since the allegation of communication of order is on telephonic information, it is not a case of willful disobedience of order of this Court.

6. Hence, this contempt proceeding stands dropped and this MJC application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2019
Transmission Date	NA

