

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.97 of 2015

Arising out of

Civil Writ Jurisdiction Case No.11794 of 2014

Most. Sudha Prasad @ Sudha Prasad Wife of Late Rajeshwar Prasad Resident
of Mohalla - Mithapur B-area, Police Station- Jakkanpur, District – Patna

... .. Petitioner/s

Versus

1. Lal Babu Rai, Son of Achhey Lal Rai
2. Anand Kumar, Son of Sri Lal Babu Rai
3. Abhinit Kumar,
4. Navneet Kumar Both minor Sons of Late Babu Rai under the guardianship
of their father and natural Guardian Sri Lal All are Resident of Village and
P.O.- Kaushar, P.S.- Tariyani, District - Sheohar at present residing at
Mohalla - Khajekalan, P.O.- Patn City, Police Station - Khajekalan, District -
Patna
5. Anand Prasad @ Ajay Prasad Son of Late Rajeshwar Prasad Resident of
Mohalla - Mithapur B-area, Police Station- Jakkanpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-02-2020

Heard Mr. Anil Kumar Singh, learned counsel for the
petitioner.

2. The present application has been filed for review of
the judgment and order dated 10.02.2015 passed in C.W.J.C. No.
11794 of 2014.

3. Learned counsel for the petitioner submitted that the
writ petition had been filed by the writ-petitioners (Opposite
Parties No. 1 to 4) praying that the Execution Case No. 01 of 2013
filed by them should be taken to its logical conclusion which was



disposed off directing to execute the decree without any further delay. Learned counsel submitted that the writ-petitioners (Opposite Parties No. 1 to 4) had suppressed the fact in the execution case that the petitioner had filed a petition under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'Code') which had not been disposed off.

4. However, learned counsel fairly submitted that due to developments having taken place in the interregnum, the execution has already been effected and with regard to his petition under Order IX Rule 13 of the Code, evidence was going on. Thus, he submitted that the application, for all practicable purposes, having become infructuous, be disposed off with the observation that the said order would not prejudice the cause of petitioner before the court below.

5. Having regard to the aforesaid, as prayed for by learned counsel for the petitioner, the application stands disposed off with the observation that the order under review shall not cause any prejudice to the case of the petitioner in the pending proceeding before the Court below.

(Ahsanuddin Amanullah, J)

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