

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1289 of 2017
In
CIVIL REVISION No.50 of 2016

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Uttam Kumar Modi and Anr

... .. Petitioner/s

Versus

Nishi Gupta and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioners : Mr.Sanjeet Kumar Singh
Ms. Diksha Singh

For the Opposite Parties :

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-09-2022 Heard the parties.

This application has been filed for restoration of Civil Revision No. 50 of 2016 which stood dismissed for non-prosecution vide order dated 21.03.2017.

For the reasons mentioned in this application, it is allowed and Civil Revision No. 50 of 2016 is restored to its original file.

Re. Civil Review No. 50 of 2016

The present application has been filed challenging the order dated 22.01.2016 passed by the Execution Munsif, Muzaffarpur in Execution Case No. 5 of 2014 whereby and whereunder the application filed on behalf of the petitioners under Section 47 of the CPC for dismissing the Execution Case No. 5 of 2014 has been rejected.

This application has been filed by the judgment debtor and by the impugned order, the court below has noticed the facts



and circumstances of the case discussed it elaborately and thereafter, came to the conclusion that the petition filed by the petitioner is not maintainable.

It seems that the judgment debtor is trying to delay the execution proceeding.

In view of the above, the present Civil Review application (C.R. No. 50 of 2016) is dismissed.

If the decree has not been executed, the same must be executed within one week of receipt / production of the communication of the order in Execution Case No. 5 of 2014. The court below will send a report about the status of Execution Case No. 5 of 2014.

The case will be listed under the heading 'To Be Mentioned' for the consideration of the report of the Munsif, Muzaffarpur in Execution Case No. 5 of 2014 informing this court about the status of the execution.

With the aforesaid observations and directions this application is dismissed.

(Sandeep Kumar, J)

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