

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.635 of 2022

Jagdish Mallik Son of Majanu Mallik, resident of Village-Harpur Mahmadda,
P.S.-Pusa, District-Samastipur.

... .. Petitioner/s

Versus

1. Jitendra Prasad Son of Late Ramji Prasad Singh, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
2. Nirmala Devi, Wife of Braj Mohan Thakur and daughter of Late Ramji Prasad Singh, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
3. Nilam Devi, Wife of Krishna Bihari Rai and daughter of Late Ramji Prasad, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
4. Gajendra Prasad Singh, Son of Late Gopal Prasad Singh, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
5. Meena Devi, daughter of Late Gopal Prasad Singh, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
6. Parvati Devi, Wife of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
7. Ashok Ram, son of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
8. Binod Ram, son of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
9. Mantu Ram, son of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
10. Pintu Ram, son of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
11. Sanju Kumari, daughter of Late Reet Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, District-Samastipur.
12. Meena Devi, Wife of not known and daughter of Late Reet Lal Ram, Resident of Village-Kabirgama Jatmalpur, P.S.-Kalyanpur, District-Samastipur.
13. Mundi Devi, Wife of Kamlesh Ram and daughter of Late Reet Lal Ram, resident of Village-Chiknauta, P.S.-Patepur, District-Vaishali.
14. Rekha Devi, Wife of Ashok Ram and daughter of Late Reet Lal Ram, resident of Village-Simra, P.S.-Piyar, District-Muzaffarpur.
15. Sharan Ram, son of Late Anand Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, P.O.-Mahmadda, P.S.-Pusa, District-Samastipur.
16. Sukhendra Ram, son of Late Anand Lal Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, P.O.-Mahmadda, P.S.-Pusa, District-Samastipur.
17. Kaila Ram, son of Late Late Chulhai Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, P.O.-Mahmadda, P.S.-Pusa, District-Samastipur.
18. Most. Eshar Devi, Wife of Late Chulhai Ram, resident of Village-Harpur



Mahmadda, P.S.-Pusa, P.O.-Mahmadda, P.S.-Pusa, District-Samastipur.

19. Most. Esmo, wife of Late Bihari Ram, resident of Village-Harpur Mahmadda, P.S.-Pusa, P.O.-Mahmadda, P.S.-Pusa, District-Samastipur.
20. Sudamia Devi, Wife of Sukhdeo Ram, Resident of Village-Rampur Dayal, P.O.-Piyar, P.S.-Sakra, District-Muzaffarpur.
21. Budhani Devi, Wife of Rajendra Ram, Resident of Village-Manjhaulia, P.O.-Chandanpatti, P.S.-Sakra, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-11-2022 Heard learned Counsel for the petitioner.

The petitioner has come before this Court against the order, dated 23.12.2021, passed in Title Execution Case No. 04 of 2021, by which the learned Sub Judge-III, Samastipur, has issued an order for delivery of possession in compliance with the judgment and decree, dated 27.02.2013 and 13.03.2013, passed in Title Suit No. 161 of 1999.

Admittedly, the petitioner is a judgment debtor and for the execution of the decree, the Executing Court has issued a writ for delivery of possession.

Learned Counsel for the petitioner submits that the petitioner is a bona fide purchaser of 09 decimals of decreed land and the decree is ex-parte against the petitioner. The petitioner has filed Misc. Case No. 10 of 2022, which is still pending.



After having heard learned Counsel for the petitioner and after going through the impugned order, I am of the opinion that the learned Executing Court has not committed any jurisdictional error while issuing a writ for delivery of possession.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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