

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.540 of 2021**

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Rajkumari Sinha Wife of Sri Basudeo Prasad Resident of mohalla - Jay
Prakash Nagar, P.O. and District- Khagaria.

... .. Petitioner

Versus

Rekha Devi Wife of Udeswar Prasad Yadav Resident of Village - Awas
Board, Khagaria, Pargana - Farkia, P.O. - Koshi College, P.S. - Nagar Thana,
Anchal and Dist. - Khagaria.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Ghosarvey
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner.

The executing court directed to issue delivery of
possession vide order dated 18.09.2021.

Learned counsel for the petitioner has submitted that no
proper opportunity was given to him by the executing court to bring
the stay order from the appellate court.

From perusal of impugned order it appears that initially
the first appellate court has stayed the proceedings of execution court
till appearance of the opposite parties but after appearance of the
parties the stay order was not extended.

The learned court below had no option but to proceed as
there is no stay by the appellate court. There is no any error which



requires to be corrected.

Accordingly, the civil miscellaneous petition is dismissed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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