

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.185 of 2019

Jagdish Sah, Son of Late Pati Sah, Village Bangra, at present Village Abhui,
P.O. and P.S. Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. Ram Narain Gond, Son of Late Tapi Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
2. Ganesh Sah, S/o Late Khublal Sah, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
3. Rukhia Devi, daughter of Late Khublal Sah, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
4. Sukhia Devi, daughter of Late Khublal Sah, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
5. Dukhi @ Kukhni Devi, daughter of Late Khublal Sah, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
6. Shatrughan Sah, son of Late Shivji Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
7. Brahma Sah, son of Late Shivji Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
8. Bishun Sah, son of Late Shivji Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
9. Urmila Devi, D/o Late Shivji Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.
10. Phul Kumari Devi, D/o Late Shivji Gond, Resident of Village Abhui, P.O. and P.S. Daraunda, District Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Navin Nikunj
For the Respondent/s : Mr. Parth Gaurav

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 17-08-2022

This Civil revision has been filed against the order dated 20.08.2019 passed in Execution Case No. 26 of 2018, whereby and whereunder the learned court below has rejected the objection petition under Order XXI Rule 23 (2) CPC filed on behalf of the petitioner/judgment debtor that the execution



case is not maintainable in view of the prayer made in execution.

After some argument, learned counsel for the petitioner submits that this case may be disposed of with liberty to the petitioner to file the petition under Section 47 CPC before the court concerned within two weeks for which learned counsel for the opposite parties/respondents has no objection.

Considering the submission of the learned counsel for the parties, this Civil Revision is disposed of with liberty to the petitioner to file the petition under Section 47 CPC before the concern Execution Court within two weeks of receiving/production of this order.

The learned court below shall decide the said petition under Section 47 CPC within four months of the filing of the said petition within the said period.

In the meantime, delivery of possession shall be stayed in Execution Case No. 26 of 2018 pending in the court of learned Munsif 2nd , Siwan till the disposal of the application to be filed under Section 47 CPC.

It is clarified that in case of non-filing of the said petition under Section 47 CPC in the concerned execution court within the said time the executing court shall proceed further in



the said execution proceeding in accordance with law.

Accordingly, this Civil Revision is disposed of with
aforesaid observation and direction.

(Sunil Dutta Mishra, J)

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