

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1229 of 2018**

Shakil Ahmad, S/o Late Md. Yusuf, resident of Mohalla- B- 24, Enayat Colony, Bari Road, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. Bibi Jahan Ara, W/o Late Dr. Nishar Ahmad.
2. Khursida Bano, W/o Mohammad Nausad Ahmad. Both resident of Village- Nabiganj Sarain @ Tehta, P.S.- Makhdumpur, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Ms. Anjum Perveen, Advocate
For the Respondent/s	:	Mr. Raghib Ahsan, Sr. Advocate Mr. Md. Shahab Khalil, Advocate Mr. Wasi Akhtar, Advocate

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

14 17-07-2023 Heard learned counsel for the parties.

2. This Civil Miscellaneous Application has been filed for setting aside the order dated 25.05.2018 passed by the learned Munsif, Jehanabad in Execution Case No. 01 of 2013.

3. Learned counsel for the petitioner submits that the Misc. Case No. 01 of 2016 pending before the learned Munsif, Jehanabad is not maintainable in view of the order dated 05.08.2019 passed in Title Appeal No. 07 of 2014 (13 of 2019) by the learned Additional District Judge-VI, Jehanabad.

4. In this regard, learned counsel for the petitioner submits that this Civil Miscellaneous application may be disposed of with liberty to the petitioner to file the appropriate



application before the Court concerned.

5. Learned counsel for the respondents has no objection for the same.

6. In view of the submission of the learned counsel for the parties, this Civil Miscellaneous Application is disposed of with liberty to the petitioner, as prayed for.

7. As prayed for, the petitioner is permitted to file the aforesaid application within three weeks from the date of receipt / production of the copy of this order before the Court below and learned Court below / Executing Court on filing the said application, shall dispose of the same preferably within two months thereafter, in accordance with law.

(Sunil Dutta Mishra, J)

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