

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.485 of 2022**

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Bhukhal Yadav, Male, aged about 72 years, Son of Late Musai Raut (Yadav), resident of Village- Simri, Tola-Machalia, Police Station- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. Ghutar Yadav Son of Late Tafu Yadav, resident of Simri Tola-Mchalia, Police Station- Bisfi, District- Madhubani.
2. Khattar Yadav, son of Late Tafu Yadav, resident of Simri Tola-Mchalia, Police Station- Bisfi, District- Madhubani.
3. Gyan Yadav, son of Late Tafu Yadav, resident of Simri Tola-Mchalia, Police Station- Bisfi, District- Madhubani.
4. Dev Narayan Yadav, son of Bau Yadav, resident of Village- Bharuli, Police Station- Darbhanga, District- Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate  
For the Respondent/s : Mr. Shashi Nath Jha, Advocate

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

10    05-05-2023                      Heard learned counsel for the parties.

In the supplementary counter affidavit filed on behalf of respondent nos. 2 and 3, at paragraph no. 4 it has been stated that “the present respondents/decreed-holders hereby also undertake that no delivery of possession vide Execution Case No. 01 of 2011 will be made in their favour on the lands and/ or House of the present petitioner (Bhukhal Yadav). The Execution will be made in favour of them only with respect to 11 dhurs out of 01 khata of the lands, already decreed in favour of the respondent nos. 2 and 3 against the judgment-debtor (Tetar



Yadav).”

The said fact has also been stated in the 2<sup>nd</sup> supplementary counter affidavit filed on behalf of respondent nos. 2, 3 and 4.

Learned counsel for the parties submits that in view of the aforesaid undertaking by the said respondents, this case may be disposed of.

In view of the submissions of learned counsel for the parties and the undertaking given by the respondent nos. 2, 3 and 4, this Civil Miscellaneous application stands disposed of.

The interim stay vide order dated 28.09.2022 is vacated.

**(Sunil Dutta Mishra, J)**

P. Kumar

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