

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.35 of 2023**

**In  
CIVIL REVISION No.45 of 2022**

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Sabita Singh @ Savit Singh Son of Bindeshwari Singh, Resident of House  
No. 44, Village-Narma, P.O. Mohinddipur, P.S. Fatuha District-Patna (Bihar)

... .. Petitioner/s

Versus

Sangita Singh Wife of Prof. Prabhat Kumar Singh Resident of H/o L.M.  
Singh Bihari Muhalla, Ashok Ashram Dibdih P.O. Dibdih, P.S. Doranda,  
District-Ranchi (Jharkhand) Mobile No. 983554044

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Srivastava, Advocate  
For the Respondent/s : Mr.

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

ORAL ORDER

4      04-04-2023                      This Civil Miscellaneous application has been filed  
  
under Article 227 of the Constitution of India against the order  
  
dated 06.09.2022 passed in Execution Case No. 118/2018  
  
(Miscellaneous Case No. 112/2018) by the learned Court of  
  
Execution Munsif, Patna.

Learned counsel for the petitioner submits that  
petitioner had filed a petition dated 14.07.2022 under Order 13  
Rule 10 (1) of C.P.C. with prayer to call the records of Money  
Suit No. 20 of 2012 stating that the judgment in the said Money  
Suit passed by learned Sub-Judge VII, Ranchi is very



contradictory and the amount deposited by the petitioner has not been adjusted which requires clarification. Accordingly, he submits that the learned Court below ought to have allowed the petition to call for the original records of Money Suit No. 20 of 2012 with judgment dated 29.07.2015 and the impugned order is liable to be set aside.

Heard learned counsel for the petitioner and perused the impugned order.

From the perusal of impugned order it appears that the Court below has observed that the executing Court cannot go behind the decree. It has also been observed that the said decree was passed almost 7 years ago and the petitioner failed to state that as to in what manner he is facing hardship in obtaining the authenticated copy of the record or any document which he requires. The learned Court below also observed that the said Money Suit was decreed on contest which reflects that the petitioner is fully aware about the case. The petitioner failed to mention how the entire record is material to him and also not given any reason as to what hardship he is facing in getting the authenticated copy of the required documents. It also appears that the petitioner failed to assign any proper reason for calling the entire records of the money suit. The impugned order is a



reasoned order.

Considering the aforesaid facts and circumstances, I do not find any jurisdictional illegality in the impugned order which requires interference by this Court under its supervisory jurisdiction under Article 227 of the Constitution of India. The Civil Miscellaneous Application is devoid of merit.

Accordingly, this Civil Miscellaneous application is dismissed.

**(Sunil Dutta Mishra, J)**

saaurabhkr/-

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