

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2148 of 2017

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Ramdayal Sah, Son of Late Yogi Sah, Resident of Village- Duma Hrauta, P.S.-
Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

Vindeshwar Sah, Son of Ganaur Sah, Resident of Village- Dumahirauta, P.S.-
Tariyani, District- Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate, Ms. Akanksha Maliya, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-01-2024 None appears on behalf of the petitioner.

2. The learned senior counsel appearing on behalf of the respondent submits that the matter has become infructuous in view of the fact that Title Appeal No.4 of 2008, filed by the petitioner, pending before the court of learned Additional District Judge-1, Sheohar, has been dismissed on 18.04.2023. The learned senior counsel further submits that the petitioner has challenged the order dated 31.10.2017 passed by the learned Additional District Judge-1, Sheohar whereby and whereunder the petition filed by the petitioner under Order 21 Rule 5 of the Code of Civil Procedure for stay of Execution Case No.2 of 2014 pending in the court of learned Munsif, Sheohar has been rejected. The learned senior counsel further submits that even



the possession has been handed over to the decree holder on 01.11.2017 and this fact was suppressed while filing the present petition.

3. In the light of the submission made on behalf of the respondent, since the title appeal in which the impugned order has been passed has already been dismissed, the present petition has become infructuous.

4. Accordingly, this petition is dismissed as having become infructuous.

(Arun Kumar Jha, J)

V.K.Pandey/-

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