
(2011) 02 PAT CK 0002
In the Patna High Court
Case No : CWJC No. 3214 of 2010

Lakshman Prasad

APPELLANT

Vs

Firm M/s Dress Co. and Others

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Citation : (2012) 3 PLJR 701

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Judgement

Navin Sinha, J.—Heard learned counsel for the petitioner. It is submitted that the petitioner filed an Eviction Suit No. 109 of 1994, when in Title Appeal No. 132 of 1998, he secured a decree for eviction to be executed within three months. The Second Appeal preferred by the tenant/defendant, S.A. No. 233 of 2003 was dismissed by this Court on 2.2.2007. A Review Application No. 53 of 2007 preferred by the tenant/defendant was also dismissed on 10.7.2007. SLP No. 9603 of 2007 preferred by the tenant/defendant was also dismissed on 5.10.2007. Notwithstanding all of which Execution Case No. 10 of 2003 remains pending and the petitioner is being denied the benefits of the eviction decree.

2. If there be no orders of a competent Court of Law in respect of the Execution Case No. 10 of 2003 staying delivery of possession, the present is a fit case to direct that Execution Case No. 10 of 2003 be taken to its logical conclusion within a maximum period of two months from the date of receipt/production of a copy of this order before Executing Court.

3. The District Magistrate and Superintendent of Police, Siwan are directed to ensure necessary deployment on the date and time so fixed for execution, so that the decree in Execution Case No. 10 of 2003 is executed in finality on that date subject only to the limitation as noticed hereinbefore. The application stands disposed.