

Amarnath Saha @ Chhotu Vs Dr. Talib Eqbal

Court: Jharkhand High Court

Date of Decision: Jan. 7, 2025

Acts Referred: Constitution of India, 1950 " Article 227

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Vikas Pandey, Ashish Jha

Final Decision: Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. This petition has been filed under Article 227 of the Constitution of India and the prayer in the petition has been made for quashing of the order

dated 09.10.2023 and 17.10.2023 whereby stay of the Execution Case No.39 of 2012 was rejected.

2. It has been pointed out by the learned counsel for the O.P.No.1 that now the execution case has already been disposed of and delivery of

possession has been provided to the plaintiff/ O.P.No.1. He further submits that the appeal is also pending with regard to the decree passed in favour

of the plaintiff.

3. If the appeal against the main case is pending, all the grounds can be taken by the learned counsel for the petitioner in that appeal and it is open to

the petitioner to take all the grounds in the appeal including the illegal delivery of possession as contended by the petitioner.

4. In view of above, Mr. Vikas Pandey, the learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to take all

the grounds in the appeal.

5. Learned counsel for the O.P.No.1 has got no objection for the same.

6. This petition is permitted to be withdrawn and disposed of with the aforesaid liberty.

7. Pending petition if any also stands disposed of accordingly.