

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36293 of 2023

Applicant :- Sanat Kumar Dubey

Opposite Party :- Sarvesh Kumar Pandey@ Monu And Another

Counsel for Applicant :- Rashid Ali

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Manu Verma, learned counsel holding brief of Sri Rashid Ali, learned counsel for the applicant and Sri Rajeev Kumar Singh, learned AGA for the State.

2. The present application has been filed to direct the court below to decide the Misc. Case No.155 of 2021 and execute the order dated 23.08.2017 passed in Case No.2099 of 2011 (Sanat Kumar Dubey Vs. Sarvesh Kumar Pandey), u/s -138 of Negotiable Instruments Act, 1881 (hereinafter referred to as the 'Act, 1881'), Police Station-Robertsganj, District-Sonbhadra.

3. Contention of learned counsel for the applicant is that his application u/s 138 of the Act, 1881 was allowed in the year 2017 and thereafter appeal was also filed by the opposite party no.1 which was also dismissed on 26.08.2019 and for the execution of the aforesaid order, application was filed by the applicant, which is registered as Misc. Case No.155 of 2021, same is still pending.

4. Considering the aforesaid submission, learned A.C.J.M., Sonbhadra is directed to decide the Misc. Case No.155 of 2021 for the execution of the order dated 23.08.2017 passed in Case No.2099 of 2011, u/s 138 of the Act, 1881, as expeditiously as possible, preferably within a period of six months.

5. It is further directed that for the execution of the aforesaid order, court below may adopt coercive measure.

6. With the aforesaid direction, the present application is **disposed of**.

Order Date :- 17.10.2023

S.Chaurasia

