

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10152 of 2023

Petitioner :- Fekni And Another

Respondent :- Shivnath And 7 Others

Counsel for Petitioner :- Bhriuram Ji

Hon'ble Jayant Banerji, J.

1. A supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the petitioner.

3. The petitioner is the decree holder in a suit for partition that was decreed ex-parte. The contention is that thereafter an application under Order 9 Rule 13 CPC was filed which was rejected and the appeal thereagainst was dismissed. Thereafter, a petition was filed in this Court challenging the aforesaid orders which came to be dismissed for non-prosecution. For execution of decree, the petitioner has moved before the executing court in which the matter is pending since 1993 being Execution Case No. 6 of 1993. It is stated that no objection under Order 21 Rule 97 has been filed nor is any proceeding under Order 21 Rule 58 pending, yet the execution case is not being taken to its logical conclusion.

4. Accordingly, without entering into the merits of the matter, this petition is **disposed of** with a direction to the executing court to proceed with the consideration of the Execution Case No. 6 of 1993 without granting any unnecessary adjournment, subject to availability of time, and provided there is no legal impediment.

Order Date :- 2.12.2023

A. V. Singh

(Jayant Banerji, J.)