

Court No. - 10

Case :- MATTERS UNDER ARTICLE 227 No. - 10324 of 2023

Petitioner :- Naresh Chand Sharma

Respondent :- Sri Rishabh Kumar Jain And 10 Others

Counsel for Petitioner :- Madhav Jain

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Madhav Jaian, learned counsel for the plaintiff-petitioner.
2. Prayer for expeditious disposal of Execution Case No.9 of 2020 (Vishwanath Sharma vs. Sudhir Kumar Jain) pending in court of Judge, Small Cause Courts, Agra, has been sought.
3. The suit for ejectment filed by the plaintiff-petitioner was decreed in the year 2019 and the decree was put into execution.
4. It is contended that though decree has been challenged by means of revision under Section 25 of the Provincial Small Cause Court Act, 1887, there is no interim order for the last three years in the said revision; there is no legal impediment in executing the decree and, therefore, direction be issued to the executing court to decide the aforesaid execution case.
5. I have perused the order-sheet of the execution case as well as the revision and I find that for the last several dates, opportunities are being granted to the parties to finally argue the revision. Even the executing court has observed that parties may bring on record the position/status of proceedings of revisional court.
6. Since the matter involves dispossession of a sitting tenant, it would not be appropriate to direct execution of the decree pending revision, there may or may not be stay. At the same time, SCC revision cannot be kept pending for an indefinite period of time as it is at the final stage.
7. The writ petition stands **disposed of** directing the revisional court to decide the revision on or before 31.12.2023 after hearing both the parties. None of the parties shall be allowed to take any adjournment.
8. In case, adjournment is sought, it will be granted on payment of

Rs.1,000/- as cost for adjournment and under any circumstances, adjudication will not go beyond 31.12.2023. The execution proceedings shall be dependent upon the order to be passed by the revisional court.

Order Date :- 28.10.2023

LN Tripathi