

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 11986 of 2023

Petitioner :- Om Sahkari Awash Samiti Ltd.

Respondent :- Kanpur Vikash Development Authority And
Another

Counsel for Petitioner :- Dharmendra Singh, Ankit Singh

Counsel for Respondent :- C.S.C., Anand Prakash Paul

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Heard Sri Dharmendra Singh, learned counsel for the petitioner, Sri Anand Prakash Paul, learned counsel appearing for the respondent No. 1 and Sri Prabhuti Kant Tripathi, learned Standing Counsel appearing for the State respondent No. 2.

Counsel for the petitioner has confined his relief to seeking a direction to decide the Execution Case No. 5 of 1991 stated to be pending before the Civil Judge (Junior Division) Kanpur Nagar, Kanpur, within a stipulated time period.

It transpires that against an order dated 23.5.2023 passed by the Civil Judge (Junior Division) Kanpur Nagar, Kanpur, in the aforesaid Execution Case No. 5 of 1991, the respondent No. 1 preferred a revision being Civil Revision No. 144 of 2023, which was decided in terms of an order dated 7.08.2023 and the earlier order dated 23.5.2023 passed by the executing court was set aside with a further direction to the executing court to proceed for identification of the property, which is subject matter of the decree and conclude the execution proceedings expeditiously. The Revisional Court also directed the parties to appear before the execution court on 10.08.2023.

Learned counsel for the petitioner states that in pursuance to the aforesaid order, the petitioner has duly appeared before the executing court and the only indulgence sought is for a direction to the executing court to conclude the proceedings at the earliest.

Sri Anand Prakash Paul, learned counsel appearing for the respondent No. 1 has pointed out that the direction for disposal of the execution case is already there in the order passed by the revisional Court and therefore no further direction is required. However, the learned counsel states that the respondent No. 1 has no objection to the execution proceeding being concluded expeditiously and that the said respondent is co-operating with the proceedings.

Having regard to the aforestated stand taken by counsel for the parties and also taking into view that there is already a direction by the revisional court for concluding the execution proceedings expeditiously, no further direction in this regard is required. The executing court would be expected to proceed with the case provided there is no legal impediment.

The petition stands **disposed of** accordingly.

Order Date :- 28.11.2023

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[Dr. Y. K. Srivastava, J.]