

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12265 of 2023

Petitioner :- G.N.G. Infratech Pvt. Ltd.

Respondent :- Mahesh Badal

Counsel for Petitioner :- Ashish Kumar Pandey, Nandini Mishra

Counsel for Respondent :- CSC

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Ashish Kumar Pandey, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed, notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Court of Civil Judge (Senior Division), Jhansi, to decide the execution case No. 10 of 2023 in Original Suit No.268 of 2016 (G.N.G. Infratech Pvt. Ltd. Vs. Mahesh Badal), filed by the plaintiff/ petitioner seeking permanent injunction relating to suit property.
4. Learned counsel for the petitioner submits that execution case arising out of Original Suit No. 268 of 2016 is pending consideration before the Court of Civil Judge (Senior Division), Jhansi, and the purpose of filing present petition shall stand served if the appropriate directions are issued to Court of Civil Judge (Senior Division), Jhansi, to conclude and decide the execution case pending since the year 2023, within the time frame fixed by this Court.
5. Having heard learned Counsel for the petitioner and having perused the record, this Court is of the opinion that the proceedings of execution case is liable to be expedited in view of the judgment of the Apex Court in the case of **Rahul S. Shah Vs. Jitendra Kumar Gandhi and others, (2021) 6 SCC 418**, wherein the Apex Court has clearly laid down that execution proceedings should be brought to its logical end within 6 months from the date filing which may be extended only by recording reasons in writing for such delay.
6. In such view of the matter, this petition is disposed of requiring the Court of Civil Judge (Senior Division), Jhansi, to decide the execution case No. 10 of 2023 arising out of Original Suit No.268 of 2016 (G.N.G. Infratech Pvt. Ltd. Vs. Mahesh Badal) expeditiously preferably within a period of 6 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 2.12.2023

Irshad