

Court No. - 20

Case :- MATTERS UNDER ARTICLE 227 No. - 6394 of 2023

Petitioner :- Ratan Tandon Alias Ratan Kumar Tandon

Respondent :- Civil Judge (Junior Division), South, Unnao And Another

Counsel for Petitioner :- Sheikh Wali Uz Zaman

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner.

In view of order being proposed to be passed, notices to opposite parties stand dispensed with.

Petition under Article 227 of the Constitution of India has been filed seeking a direction to court concerned to decide Execution Case No.5 of 2006 instituted by petitioner for execution of judgment and decree. The judgment and decree was challenged in S.C.C. Revision, Writ Petition No.137 (R.C) of 2007 as well as before Hon'ble the Supreme Court in Special Leave to Appeal No.22593 of 2015 which was also dismissed. Since the claim of petitioner has been upheld right uptill Hon'ble the Supreme Court, he had in the meantime filed the aforesaid Execution Case in the year 2006 which is pending consideration till date.

A perusal of judgment and order dated 17.03.2015 issued by this Court in Writ Petition No.137 (R.C) of 2007 indicates that a time of two months had been granted to the judgment debtor to vacate the premises in question. The said order was also passed more than seven years ago and has still not been complied with.

It is submitted that the opposite party no.2 being judgment debtor has employed various tactics to frustrate the judgment and decree issued by Judge Small Causes and has succeeded to certain extent since the aforesaid judgment and decree has not yet been complied with despite challenge to same having been rejected right upto Hon'ble the Supreme Court.

It has also been submitted that the judgment debtor has put in appearance in the execution proceedings which are therefore required to be expedited.

In view of submissions advanced by learned counsel for petitioner and upon perusal of material available on record, it appears that judgment and decree was passed in favour of petitioner prior to year 2006 whereafter the same was upheld in revisional, writ jurisdiction as well as by Hon'ble the Supreme

Court subsequently but despite said fact execution proceedings are pending since 2006 with fruits of decree having been frustrated.

In view of aforesaid, opposite party no.1 i.e. Civil Judge (Junior Division), South, Unnao is directed to decide Execution Case No.5 of 2006 expeditiously, preferably within a period of four months from the date a certified copy of this order is brought on record of the aforesaid proceedings in case there is no other legal impediment.

With the aforesaid direction, the petition stands **disposed of**.

Order Date :- 21.12.2023

Subodh/-