



2025:JHC-1 K0:29565

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 7167 of 2025

Sayyed Farooq Ahmad

.....Petitioner(s)

Versus

Saud Mustafa And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard the petitioner in person and perused the records.
2. By means of the instant petition filed under Article 227 of the Constitution of India the petitioner has assailed the validity of an order dated 26.11.2025, passed by the learned Additional Civil Judge, Junior Division, Court No.14, Ramsanehighat, Barabanki in Misc. Civil Case No.67 of 2025: Saud Mustafa Vs. Farooq Ahmad and others, but he confined his submissions for issuance of a direction for expeditious disposal of the Execution Case No.4 of 2018: Mateen Ahmad and others Vs. Mahmood and others.
3. The petitioner has placed reliance on a judgment of Hon'ble Supreme Court in the case of **Rahul S Shah Vs. Jinendra Kumar Gandhi and others**: (2021) 6 SCC 418 wherein the Hon'ble Supreme Court has issued following directions regarding expeditious disposal of execution cases:

"42.8. The court exercising jurisdiction under Section 47 or under Order 21 CPC, must not issue notice on an application of third party claiming rights in a mechanical manner. Further, the court should refrain from entertaining any such application(s) that has already been considered by the court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

42.9. The court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.

42.10. The court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to sub-rule (2) of Rule 98 of Order 21 as well as grant compensatory costs in accordance with Section 35-A.

42.11. Under Section 60 CPC the term " in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property.

42.12. The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

42.13. The executing court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the police station concerned to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the court, the same must be dealt with stringently in accordance with law."

4. Keeping in view the nature of relief sought and the order proposed to be passed, issuance of notice to the opposite parties is dispensed with.

5. The petition is **disposed of** by issuing a direction to the Additional Civil Judge, Junior Division, Court No.14, Ramsanehighat, Barabanki to proceed with the Execution Case No.4 of 2018: Mateen Ahmad and others Vs. Mahmood and others expeditiously in accordance with law without granting unnecessary adjournments to any of the parties and keeping in view the directions issued by Hon'ble Supreme Court in the case of Rahul S Shah (supra).

December 16, 2025

Ram.

(Subhash Vidyarthi,J.)