

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.65 of 2015**

Regional Manager, Hindustan Petroleum Corporation Ltd, Raipur LPG
Regional Office, Near Mandir Hasaud Depot, Raipur (CG)

---- Applicant

Versus

Managing Director, M/s. Training Production Center, Udyami Vikash
Sansthan, Ambikapur, Sarguja, Distt. Sarguja (CG)

---- Respondent

Shri Ali Asgar, counsel for the applicant.

Shri Harsh Wardhan, counsel for the respondent.

Order On Board

16/9/2015

Heard instant revision finally.

2. Learned counsel for the applicant submits that impugned order passed in execution proceedings dated 27.4.15 is illegal and perverse, hence, the court is required to interfere by way of revisional jurisdiction and pass appropriate orders.

3. Learned counsel for the respondent opposed the instant revision and submitted that on 16.8.2011, the executing Court directed the decree holder to produce the original agreement or duly attested copy of the agreement. It is a judicial order and the same was not challenged by the applicant. If the impugned order dated 27.4.15 is set aside, even then order passed 16.8.2011 will remain in force which is not challenged, hence, instant revision is not maintainable and the same may be dismissed. He further submitted that vide order dated 27.04.15, executing proceedings were dismissed for non compliance.

4. On due consideration, as per the settled law, executing court has to execute the decree. For demanding original agreement or duly authenticated certified copy of the agreement is the matter beyond the

scope of executing court unless it is required under any provisions of law.

5. On due consideration, order dated 27.4.15 requires interference as the same is illegal and perverse.

6. Consequently, the instant civil revision is hereby allowed. Order passed on 27.4.15 by the executing court is hereby set aside. The execution case is restored and executing court is directed to execute the decree as per law as expeditiously as possible. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE