

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 581 of 2015

1. Aasad Qureshi S/o Late A.G. Qureshi, Aged About 40 years R/o In Front Of Jama Masjid, Near Balgovind Chowk, Rajnandgaon, Tahsil-Rajnandgaon, Civil And Revenue District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. Abdul Ajim S/o Abdul Ajij, Aged About 45 Years R/o Juni Hatari Rajnandgaon, Tahsil Rajnandgaon, Civil And Revenue District- Rajnandgaon (Chhattisgarh)
2. Abdul Alim, S/o Abdul Ajij, Aged About 40 Years R/o Juni Hatari Rajnandgaon, Tahsil Rajnandgaon, Civil And Revenue District- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioners.

: Shri Rakesh Thakur, Advocate.

Order On Board

07/08/2015

Heard.

(1) By this petition under Article 227 of the Constitution of India petitioner has assailed legality and validity of order dated 07.02.2015 passed by Executing Court, rejecting petitioner's application against execution of decree.

(2) The submission of learned counsel for the petitioner is that unless application for execution of decree is signed by all the decree holders, no proceedings for execution can be drawn, as such, application is contrary to the provisions contained in order XXI Rule 15 CPC. Reliance has been placed in the case of **Tikaram Parashar Vs. Damodar Prasad Tiwari and Others, 1985 MPLJ730.**

(3) The objection for execution of decree, on the ground stated is utterly misconceived in law on the face of provisions contained in order XXI Rule 15 CPC which allows any of the decree holders to move application for execution of decree not only on his own behalf

but on behalf of other decree holder unless the decree imposes any condition to the contrary.

(4) It is not the case of the petitioner that there is express stipulation in the decree under execution requiring all the decree holders to join the application for execution.

(5) In this view of the matter, the Court below has not committed any illegality in rejecting petitioner's objection against execution of decree.

(6) Accordingly, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita