

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 791 of 2015

1. Mahalaxmi Paddy Processing Company A Partnership Firm, Address House No. 15/371, Jawahar Nagar, Ramsagar Para, Raipur, Tahsil And District Raipur, Chhattisgarh, Through The Partner Smt. Shakuntala Devi, Age About 60 Years, W/o Shri Om Prakash Agrawal, R/o Jawahar Nagar, Ramsgar Para, Raipur, Tahsil And District Raipur, Chhattisgarh

---- Petitioner

Versus

1. Subhashchand Gandhi S/o Late Jaychand Gandhi, R/o Gondpara Uddal Chowk, Bilaspur Chhattisgarh C/o Sweet India Hotel, Station Chowk, Raipur, Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner.

: Shri V. R. Tiwari, Advocate.

Order On Board

23/09/2015

Heard.

1. This petition is directed against the order dated 13.08.2015 by which the application under Section 151 of CPC has been rejected by Executing Court.
2. Learned counsel for the petitioner submits that in the matter of execution of decree, the decree holder has sought possession of another house which is other than the house in respect of which decree of possession has been passed.
3. On petitioner's own showing, the petitioner has filed a separate suit in respect of a House No. 27/354 Annexure P-6 wherein he has stated that this particular house was not

the subject matter of decree passed in civil suit no. 1-A/2008.

4. The Executing Court can not go behind the decree is well settled position. The execution of decree requires handing over possession to the decree holder, of the house of description stated in the decree is original suit, affirmed in appeal by the High Court and as well as by the Supreme Court. Therefore, in these circumstances, the order passed by the Court below can not be faulted.

5. It goes without saying that the petitioner has the liberty to raise all the grounds in the pending suit.

6. With the aforesaid observation, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

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