

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.64 of 2016**

1. Purushottam Sharma S/o Jainarayan Sharma, Aged About 59 Years R/o House No. M I G 80, Tatibandh, District Raipur (Chhattisgarh).
2. Smt. Vandana Sharma W/o Dharmendra Sharma, R/o House No. M I G 80, Tatibandh, District Raipur (Chhattisgarh).

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Collector Raipur, District Raipur (Chhattisgarh).
2. C. G. Housing Board, Through Executive Engineer Division No. 1 Raipur, District Raipur (Chhattisgarh).

---- Respondents

Shri Kishore Bhaduri, counsel for the petitioners.
 Shri SC Khakharia, Dy. Advocate General for the State/
 respondent No.1.
 Shri Sanjay Patel, counsel for respondent No.2.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.02.2016.**

At the outset, counsel for the petitioners submits that the decree was not fully satisfied and the facts mentioned in the order sheet dated 06.01.2015 that decree holder received an amount of Rs.33,72,794/- is not a correct statement which requires ascertainment of the facts regarding deposit of the decreetal amount and with the above the Court below be directed to ascertain regarding satisfaction of the decree and to pass the order afresh.

2. Counsel for respondent No.2 while opposing the above submission submits that the order has been passed on 13.01.2015 that the entire decreetal amount is satisfied and the same order is not

challenged before any appropriate forum, hence, the petition may be dismissed as not maintainable.

3. On perusal of the order sheet dated 13.01.2015, it does not indicate that the order was passed on the declaration made in this behalf by the decree holder that the decree is fully satisfied and he wants to close the execution proceedings. On perusal of the order sheet dated 13.01.2015, it clearly indicates that the same appreciation was not as per prayer made in this behalf by the decree holder. On the other hand, the same appreciation is made by the Court and if the decree holder is not conceded this fact, the same cannot be held as statement of the decree holder regarding satisfaction of the decree.

4. On due consideration, instant petition is disposed of without any appreciation on its merits. The Court below is directed to ascertain regarding satisfaction of the decree after hearing both the parties and if the decree is still not fully satisfied, then proceed further as per the provisions of law. The parties are directed to remain present before the Court either in person or through his counsel on **30.3.2016**. The petitioner may file a copy of this order before the Court below for compliance. Registry is also directed to send a copy of this order through usual and fax mode to the Court below for compliance.

5. Petition disposed of. No order as to cost.

**Sd/-
(Chandra Bhushan Bajpai)
JUDGE**