

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 130 of 2016**

1. Kusum Sharma W/o Dr. P. Sharma, Aged About 47 Years R/o House No. M I G 80, Tatibandh, Raipur, District Raipur (Chhattisgarh).
2. Smt. Vandana Sharma, W/o Dharmendra Sharma, Aged About 45 Years R/o House No. M I G 80, Tatibandh, Raipur, District Raipur (Chhattisgarh).
3. Smt. Devshree Sharma, D/o Purushottam Sharma, Aged About 42 Years R/o House No. M I G 80, Tatibandh, Raipur, District Raipur (Chhattisgarh).
4. Smt. Archana Sharma D/o Purushottam Sharma, Aged About 40 Years R/o House No. M I G 80, Tatibandh, Raipur, District Raipur (Chhattisgarh).

---- Petitioners

Versus

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

---- Respondents

Shri Anmol Sharma, Advocate for the petitioners.
 Shri S.C. 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****12.04.2016**

1. 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.65,95,317/- 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 opposes the above submission and submits that the order has been passed on 13.01.2015 that the entire decretal 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 yet not fully satisfied, then proceed further as per the provisions of law.

5. The parties are directed to remain present before the executing Court either in person or through their counsel on **21st June, 2016**. The petitioners may file a copy of this order before the Court below for compliance.

6. Registry is also directed to send a copy of this order through usual and fax mode to the Court below for compliance.

7. Petition is disposed of. No order as to cost.

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