

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No.410 of 2016

Lalit Shukla S/o Shri Gangasagar Shukla, Aged About 70 Years R/o
Chhotapara, Infront Of Masjid, Baijnathpara, Raipur, Tahsil And District Raipur
(Chhattisgarh)

---- Petitioner

Versus

1. Sonraj Golchha S/o Shri Pukhraj Golchha, Aged About 52 Years R/o. A. Ahmad Ji Colony, Nalghar Chowk, Raipur, Tahsil And District Raipur (Chhattisgarh)
2. Smt. Gunmala Golchha W/o Shri Sonraj Golchha, Aged About 50 Years R/o. A. Ahmad Ji Colony, Nalghar Chowk, Raipur, Tahsil And District Raipur (Chhattisgarh)

---- Respondents

For Petitioner: Shri H.B. Agrawal, Sr. Adv. With Smt. Nand Kumari Kashyap,
Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/07/2016

Heard.

2. This petition under Article 227 of the Constitution of India is preferred against order dated 25-06-2016, by which, the petitioner-judgment debtor's application under Section 47 C.P.C. objecting to execution of decree and stay of execution has been rejected.

3. Learned Senior counsel for the petitioner submits that the property in dispute, in respect of which, decree has been passed in favour of the respondent-decree holder and against the petitioner-judgment debtor, is actually in possession of the petitioner. He submits that earlier, in an agreement to sale the property executed by Sushila Bai in favour of Rahul Shukla, possession of the property in dispute was handed over to Rahul Shukla and Rahul Shukla later on, filed a suit for specific performance of contract. The suit was dismissed, against which, an appeal has been preferred and at

present, the same is pending before the Court.

4. The petitioner-judgment debtor, in the suit, where a decree has been passed against him and in favour of the respondent-decree holder for possession. The application of Rahul Shukla even discloses that the impugned order has already been rejected by the Executing Court.

5. The application of the petitioner appears to be an attempt in vein, discussed to somehow oppose the execution proceedings. The impugned order passed by the trial Court rejecting application of the petitioner does not warrant interference as there is no error of jurisdiction.

6. Accordingly, this petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge