

HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No.79 of 2016

Jayant Kumar Gohil, S/o Bishan Ji Bhai Gohil, aged about 45 years, R/o Pacharipara, Durg, Tahsil and District Durg (C.G.)
---- Applicant

Versus

Smt. Pratibha Dani, W/o Veer Abhimanyu Dani, aged about 32 years, R/o Durg, Tahsil and District Durg (C.G.)
(Decree Holder)
---- Non-applicant

For Petitioner: Mr. H.B. Agrawal, Senior Advocate with Mrs. Meera Jaiswal, Advocate.
For Respondent: Mr. Veer Abhimanyu Dani and Mr. Avinash Chand Sahu, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/10/2016

1. The trial Court passed a decree for eviction in favour of Smt. Pratibha Dani on 27-10-1979 against Ramkhilawan Pandey, Bishanji Bhai, Ram Sanehi and Lalji Bhai. According to the decree holder, possession has been given and all the judgment debtors except Bishanji Bhai have vacated their part but Bishanji Bhai continued in possession and in the meanwhile, in the year 2000, he died. Number of applications were filed by Bishanji Bhai and decree could not executed against the LR's of Bishanji Bhai.
2. Challenge in this civil revision under Section 115 of the CPC is to the order dated 6-5-2016 passed by the 2nd Civil Judge Class-I, Durg, in Execution Case No.49-A/1976, whereby the executing court has issued warrant of possession against the petitioner.

3. As stated above, the decree was passed on 27-10-1979 and judgment-debtor Bishanji Bhai died in 2000. Bishanji Bhai duly appeared in the execution proceeding. The executing court has recorded sufficient reasons. It has also recorded that the petitioner is aware of the decree and he has filed several applications which have been considered and rejected. The decree that has been passed on 27-10-1979 has become final and the application has rightly been rejected by the executing court. I do not find any jurisdictional error in the order impugned. The civil revision is accordingly dismissed. No order as to cost(s).
4. The executing court shall expedite the execution proceeding and conclude it within two months from the date of receipt of a copy of this order and submit report to the Registry of this Court.

Sd/-
(Sanjay K. Agrawal)
Judge