

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.516 of 2017

1.Rajaram, aged about 32 years, son of Shri M.L. Guha, resident of Village Barpali, Tahsil Champa, District Janjgir-Champa (CG).

2.Maharaja, aged about 30 years, son of Shri M.L. Guha, resident of Village Barpali, Tahsil Champa, District Janjgir-Champa (CG).

---- Petitioners

Versus

1.Tulsiram, aged about 37 years, son of Shri Thakurram, resident of Village Barpali, Tahsil Champa, District Janjgir-Champa(C).

2.State of Chhattisgarh, through the Collector, Janjgir, District Janjgir-Champa (CG).

---- Respondents

For Petitioners :Mr. Rajesh Kumar Sharma, Advocate

For State :Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

31/07/2017

(1) The petitioners/judgment-debtor filed an application under Section 47 of the Code of Civil Procedure, 1908 (for short, 'CPC') before the Executing Court, which has been rejected by the Executing Court by its impugned order dated 12.05.2017 against which the writ petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel appearing for the petitioners/judgment-debtor would submit that the Executing Court has committed jurisdictional error in rejecting the application under Section 47 of CPC.

(3) I have heard learned counsel for the parties and perused the impugned order.

(4) The decree granted in favour of the respondent No.1 by the Executing Court, which has been affirmed by the High Court and transfer of possession if any by the present petitioners therefore would not attract the provision under Section 47 of CPC.

(5) After hearing learned counsel for the parties, I do not find any jurisdictional error in the impugned order. Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-