

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.325 of 2017**

Smt. Alka Shukla, W/o Shri Vigyan Prakash Shukla, aged about 41 years, Caste Brahmin presently R/o Bhatthapara, Near Manipur School, P.S. & Tahsil Ambikapur, Surguja (CG).

---- Petitioner**Versus**

Smt. Devika Dubey, W/o Lal Bahadur Dubey, aged about 60 years, R/o Bhatthapara, P.S. & Tahsil Ambikapur, District Surguja (CG).

--- Respondent

For Petitioner : Mr. Nishi Kant Sinha, Advocate

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

27/04/2017

(1) By the impugned orders dated 04.02.2017 & 24.03.2017, the Executing Court has deferred the execution proceeding till the receipt of the record of the original civil suit from this Court, against which the present petition under Article 227 of the Constitution of India has been filed by the petitioner.

(2) Learned counsel appearing for the petitioner would submit that the trial Court has unnecessarily deferred the hearing of the execution proceeding till the receipt of the record; whereas, copy of the original civil suit has already been filed before the executing court, therefore, the impugned orders deserves to be set-aside.

(3) I have heard learned counsel for the petitioner and perused the impugned orders.

(4) The Executing Court while hearing the execution petition, thought it expedient to go through the original document and call for original records, but since the record is before this Court, the Executing Court has deferred the execution proceeding till the receipt of record.

(5) Be that as it may, the petitioner is directed to file certified copy of the judgment and decree along with the map. On production of certified copy of the document before the Executing Court, it is directed that the Executing Court should expedite the hearing of execution and conclude the same preferably within a period of two months after filing of the said document.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-