

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.585 of 2017**

Ganesh Prasad Agrawal S/o. Late Banshidhar Agrawal, aged about 80 years, R/o Shivrinarayan, Tahsil. Navagarh, District Janjgir-Champa (CG)

----Appellant

Versus

1. Nathmal Agrawal S/o. Satnarayan Agrawal, aged about 50 years, R/o. Shivrinarayan, Tahsil Nawagarh, District Janjgir-Champa (CG) At present R/o Near Gayatri Mandir, Vidya Nagar, Bilaspur, P.S. & P.O. Bilaspur, District Bilaspur (CG)
2. State of Chhattisgarh through Collector Janjgir-Champa, Distirct Janjgir-Champa (CG)

---- Respondents

For Appellant	:	Mr.Manoj Paranjape and Mr.Anurag Singh, Advocates
For Respondent No.1	:	Mr.Aishwarya Pandey, Advocate
For Respondent No.2	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/08/2018

1. In Civil Suit No.111-A/07 counter-claim of the respondent/defendant was decreed by the trial Court, which has been affirmed by the First Appellate Court as well as by Second Appellate Court and also by the Hon'ble Supreme Court and decree granted was for delivery of possession of Kh.No.587/2 and 588/1, area 0.11 acre of the land. When execution was filed, the judgment debtor/appellant filed an application under Order 21 Rule 97 of the Code of Civil Procedure, which was rejected by the trial Court and warrant of possession was issued. Misc. Appeal filed against that order was also rejected. Against which, this second appeal has been

filed by the appellant herein.

2. It appears from the order of the Executing Court that the Executing Court has directed for issuance of warrant of possession of Kh.No.587/2 and 588/1 area 0.11 acre at village Shivrinarayan, Tahsil Nawagarh, District Janjgir-Champa, as such, there is no material on record to say that decree holders are trying to dispossess the appellant from the land/area other than the suit land for which decree has been granted by the trial Court and affirmed up to the Hon'ble Supreme Court.
3. In view of that, I do not find any merit or any substantial question of law in this second appeal. Accordingly, the second appeal is dismissed in limine. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-