

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 489 of 2019

- Manoj Kumar Madhukar S/o Kartik Ram Aged About 34 Years R/o Village - Godhana, Police Station And Tahsil - Navagarh, District - Janjgir - Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through it's The District Magistrate, District Janjgir - Champa Chhattisgarh
2. Sita Bai D/o Late Muritram, R/o Village - Godhana, Tahsil - Navagarh, District Janjgir - Champa Chhattisgarh. Present Address Village - Sarso, Tahsil Lavan, District - Balodabazar - Bhatapara Chhattisgarh
3. Smt. Kabira Bai D/o - Late Murit Ram, R/o Village - Godhana, Tahsil - Navagarh, District - Janjgir - Champa Chhattisgarh, Present Address - Village - Mudhpar (Durpa) Tahsil - Navagarh, District - Janjgir Champa Chhattisgarh
4. Kartik Ram S/o Late Murit Ram R/o Village - Godhana, Tahsil - Navagarh District - Janjgir - Champa Chhattisgarh

---- Respondents

For Petitioner	: Mr. Ravi Maheshwari, Advocate.
For State/Respondent No.1	: Mr. Sudeep Verma, Dy.G.A.
For Respondent No.3	: Mr. Basant Dewangan, Advocate.
For Respondent No.4	: Mr. C.P. Lahre, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-12-2019

Heard.

1. This petition has been brought being aggrieved by the order dated

09.05.2019 passed by the Execution Court dismissing the application filed by the petitioner for release of the tractor and trolley attached in execution proceeding.

2. Learned counsel for the petitioner submits that the petitioner is the registered owner of the tractor and trolley. The petitioner is not the judgment debtor in the Civil Suit in which decree was passed against his father. The property attached is under the sole ownership of the petitioner. The learned trial Court has erroneously appreciated the application and the evidence presented. The petitioner has filed the copy of registration certificate before this Court which shows that he is the registered owner of the tractor and trolley attached in execution case. Therefore, it is prayed that appropriate order be passed.
3. Learned State counsel appearing on behalf of respondent No.1 makes a formal objection.
4. Learned counsel for respondent No. 3 and learned counsel for respondent No.4 are opposing the submissions and submits that in the inquiry made, the petitioner had not produced any documentary evidence of registration in his favour, therefore, there is no error in the impugned order. Hence, it is prayed that the petition be dismissed and disposed off.
5. Considering that the additional document has been filed in this petition, which appears to be the copy of registration certificate in the name of the petitioner, therefore, I am of this opinion that the petitioner can be given one more opportunity to present his case before the learned Execution Court, therefore, the petition is disposed of and the impugned order is set aside and also it is ordered that the learned Execution Court shall provide one more opportunity to the petitioner to produce the

evidence in support of his claim and then the application filed be decided in accordance with law.

6. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika