

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 922 of 2019**

Amit Kher S/o Chaman Lal Kher Aged About 55 Years R/o Blue Spot House, Behind Ashok Tower, Shankar Nagar, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Nirmala Devi Nathani W/o Late Hanumandas Ji Nathani R/o Sadar Bazar, Raipur, Chhattisgarh
2. Rajkishore Nathani S/o Late Hanumandas Ji Nathani R/o Sadar Bazar, Raipur, Chhattisgarh
3. Vinay Nathani S/o Late Hanumandas Ji Nathani R/o Sadar Bazar, Raipur, Chhattisgarh
4. State Of Chhattisgarh Through Collector, (Nazul Branch), Collectorate Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Bhaduri with Mr. Sabyasachi Bhaduri, Advocates
For Respondent No.1 to 3	:	Mr. Ashish Surana, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/12/2019**

1. The present writ petition has been filed assailing the order dated 05.11.2019 passed by the first Civil Judge Class-I, Raipur in Execution case No.86-A/2007.
2. The facts not in dispute in the present case is that petitioner happens to be one of the judgment debtor and tenant of the respondent No.1 to 3. The decree against petitioner has already been passed way back in the year 2008. The said order has been affirmed in the first appeal and in second appeal. Thereafter, the execution proceedings have been initiated. In the course of the execution proceedings another judgment debtor who is the tenant of the shop known as Fantasy Frozen Foods

before the Execution Court accepted for payment of damages of Rs.3.25 Lakhs and further gave an undertaking that he is ready to vacate the premises within a period of two months time which was acceptable to the decree holder and on the basis of which the order dated 05.11.2019 has been passed.

3. It is this order of 05.11.2019 in respect of proceedings that transpired between another judgment debtor and decree holder which has been questioned by the present petitioner in the present writ petition. The only ground on which the present petition has been filed is that in the event if the said judgment debtor, persons who were operating Fantasy Frozen Foods vacates the premises after two months, there is all likelihood that landlord may demolish the property which may have an adverse impact on the portion of the building which is occupied by the present petitioner. The impugned order dated 05.11.2019 does not reflect any such observation so far as demolition of the said structure where the Fantasy Frozen Food was being operated.
4. Moreover, this Court finds that petitioner also is the judgment debtor to the extent that there is already a decree against him passed wayback in the year 2008 and first appeal and the second appeal has also been rejected.
5. Given the facts, this Court does not find any strong case made out by the petitioner for issuance of any order by this Court under Article 227 of the Constitution of India exercising the supervisory jurisdiction.
6. The writ petition fails and accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge