

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.179 of 2020

1. Dilip Kumar Sahu S/o Banshi Ram Sahu Aged About 38 Years
2. Banshi Ram Sahu S/o Late Shri Banshiram Sahu Aged About 58 Years
(Both are R/o Village Khairdigi, Tahsil Gurur, District Balod, Chhattisgarh)

---- Petitioners

Versus

- Gaidnlal Sahu S/o Shri Samaru Ram Sahu Aged About 50 Years R/o Ghoghopuri, Tahsil Gurur, District Balod, Chhattisgarh

---- Respondent

For Petitioners : Dr. R.S. Patel, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 10.12.2019 by which the learned Execution Court has issued warrant of arrest for sending the petitioners to civil jail for the execution of the warrant in the claim case.
2. After hearing the learned counsel for the applicant, this petition is disposed off at the motion stage.
3. The petitioners shall have liberty to file application for cancellation of warrant of arrest before the same Execution Court and as it is informed that petitioners have also filed the separate application under Order 9 Rule 13 of C.P.C. which is pending before the Court below, therefore, the petitioners also have liberty to file application before the same Court praying for stay of the execution proceeding.

4. Learned M.A.C.T./District Judge is also directed to make arrangement that the execution proceeding under Order 9 Rule 13 of C.P.C. are heard by the same Court.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika