

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 312 of 2020

- Rajendra Kumar Mahule, S/o Late Pannalal Mahule, Aged About 55 Years, Resident of Kolka Para Infront Of Shala No.03 Dongargarh, District-Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- Virendra Agrawal, S/o Late Harishankar Agrawal, Aged About 55 Years, Resident of Patel Ward No. 15 Dongargarh, District-Rajnandgaon Chhattisgarh.

---- Respondent

For petitioner	:	Mr. S.P. Sahu, Advocate.
For respondent	:	Mr. P.K. Tulsyan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/03/2020

Heard.

1. This petition under Article 227 of the Constitution of India has been brought feeling aggrieved by the order dated 4.3.2020 passed by the learned District Judge, Dongargarh in Execution Case No.1B/2016.
2. The only submissions made by the counsel for petitioner is this, that the learned Execution Court has ordered payment of decretal amount of Rs.7,11,000/- with interest in 8 equal installments and each installments shall be paid at the interval of 3 months. It is submitted that the condition imposed is harsh against the petitioner as he is unable to make arrangement for payment of installment in interval of 3 months. Hence, the intervening period as ordered may be extended to 6 months.
3. Learned counsel for respondent opposes the prayer made by the counsel for petitioner and submits that it is already about 8 years gone and the respondent/decreet holder has not received the decretal amount, therefore, granting of any such relief to the petitioner would be

at the cost of hardship to the respondent/decreed holder, therefore, the petition does not deserve to be allowed.

4. I have heard both the parties and perused the documents on record.
5. After considering on the submissions and on due consideration, I feel inclined to extend the period of interval from 3 months to 4 months and not more than that. The order impugned is modified to this extent that the petitioner/judgment debtor shall now make payment of the installment of decretal amount at the interval of 4 months and the total number of installments shall remain 8 only. In case of failure of the petitioner/judgment debtor to pay any of the installment, then the respondent/decreed holder shall be at liberty to pray for execution of the decree by coercive methods as provided in the Code of Civil Procedure.
6. Accordingly, the petition is disposed off

Sd/-
(Rajendra Chandra Singh Samant)
Judge