

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.154 OF 2020

Bhuyan Fertilisers & Anr. ***Petitioner(s)***
Mr.B.K.Rath,
Advocate

-versus-

Babaji Charan Mallick & Anr. ***Opposite Party(s)***
(Disposed of at the stage of admission)

CORAM:
JUSTICE BISWANATH RATH

ORDER
24.02.2022

Order No.
02.

1. Heard the submission of the learned counsel for the Petitioners.
2. This CMP involves a challenge to the order dated 07.09.2019 being passed by the Executing Authority involving execution proceeding No.05 of 2012 is based on consideration of an application at the instance of Decree Holder to realize the decreetal dues along with interest. It is taking this Court to the ordering portion, learned counsel for the Petitioners alleged that in spite of sufficient properties disclosed for realization of the decreetal dues, the trial Court unable in appreciating the property details and unnecessarily directing the Petitioners to give further details of the properties sought to be attached for the purpose of realization of decreetal dues.
3. Considering the submission of the learned counsel for the Petitioners and perusing the impugned order, this Court finds involving number of plots sought to be attached for realization of the decreetal dues, the trial Court examining all such properties has come

to hold that there is no possibility of realization of decretal dues through the landed properties, trial Court even has come to observe some of the landed properties also stands in joint holding. Further, so far as realization through the attachment of computer the Executing Court has come to observe that there is no specific details and It is accordingly directed the Decree Holder to come forward with list of properties in the execution of the JDRs belonging into the JDRs. Having no third party interest therein. For the discussion therein and reason in giving such direction, this Court finds there is appropriate consideration of the issue requiring no interference in this CMP which is dismissed.

S.P. Dash

