

AD-11
Ct No.16
14.02.2025
(SSS)

CO 3688 of 2024

Nazrul Molla and Anr.
Vs.
Abdul Alim Molla and Ors.

Mr. Manas Kumar Das
....For the Petitioners.

1. The present revisional application has been preferred by the judgment debtors in a suit for declaration and permanent injunction.
2. After suffering the decree, the judgment debtors/revisionist petitioners took out an application under Section 47 of the Code of Civil Procedure on the ground that all the co-sharers of the property had not been impleaded in the suit. The said application has been dismissed by the impugned order on the ground that the issue raised therein is beyond the scope of the execution court to consider under Section 47, which provisions relates only to execution, satisfaction or discharge of the decree.
3. This court is in complete agreement with the reasons assigned by the learned executing court inasmuch as the question of non-joinder of necessary parties is at best a legal ground which could have

been canvassed by the judgment debtors by way of a proper appeal preferred against the parent decree.

4. It is trite law that the executing court cannot go behind the decree.

5. Accordingly, I find no infirmity and/or jurisdictional error in the impugned order.

6. Hence, CO 3688 of 2024 is dismissed, thereby affirming the impugned order bearing Order No. 48 dated August 26, 2019 passed by the learned Civil Judge, Junior Division, Third Court at Krishnanagar, District – Nadia in Civil Miscellaneous Case No. 49 of 2018 arising out of Title Suit No. 28 of 2014.

7. No order as to costs.

(Sabyasachi Bhattacharyya, J.)