IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.397 of 2025

M/s. R.K. Construction Private Limited, a company incorporated under the provisions of Indian Companies Act, 1956/2013, having its registered office at Reyaz Manzil, R.K. Nagar, F.C.I. Road, Phulwari Sharif, P.O. and P.S. Phulwari Sharif, Town and District Patna, Bihar through its director, Mr. Siraj Ahmed, aged about 40 years, son of Late Riyaz Ahmed Khan, resident of Riyaz Nagar, F.C.I. Road, Phulwari Sharif, P.O. and P.S. Phulwari Sharif, Town and District Patna.

..... Petitioner.

-Versus-

1. The State of Jharkhand through its Chief Engineer, Subarnarekha Multipurpose Project, Water Resources Department, Icha-Galudih Complex, Adityapur, P.O. and P.S. Adityapur, Jamshedpur, District Seraikela Kharsawan.
2. The Executive Engineer, Irrigation Division, Water Resources Department, Subarnrekha Multipurpose Project, Galudih, P.O. and P.S. Galudih, District East Singhbhum, Jharkhand.

..... Opp. Parties.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. M.S. Mittal, Sr. Advocate
Ms. Amrita Singh, Advocate
For the Respondents: A.C. to G.P.-IV

Order No.08 **Date: 25.08.2025**

1. Heard.

2. A very innocuous prayer has been made in this petition for expeditious decision on the execution petition filed by the petitioner. Obviously, there can be no objection to such a prayer, being allowed more particularly, in the light of the decision rendered in the case of ***Rahul S. Shah vs. Jinendra Kumar Gandhi and Ors.,*** reported in ***(2021) 6 SCC 418***, wherein the Hon'ble Supreme Court has provided guidelines and directions for conduct of execution proceedings. Paragraph nos. 42 to 42.14 of the said judgment read as under:

"42. All courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions:

42.1. In suits relating to delivery of possession, the court must examine the parties to the suit under Order 10 in relation to third-party interest and further exercise the power under Order 11 Rule 14 asking parties to disclose and produce documents, upon oath, which are in possession of the parties including declaration pertaining to third-party interest in such properties.

42.2. In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the court, the court may appoint Commissioner to assess the accurate description and status of the property.

42.3. After examination of parties under Order 10 or production of documents under Order 11 or receipt of Commission report, the court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit.

42.4. Under Order 40 Rule 1 CPC, a Court Receiver can be appointed to monitor the status of the property in question as custodia legis for proper adjudication of the matter.

42.5. The court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property.

42.6. In a money suit, the court must invariably resort to Order 21 Rule 11, ensuring immediate execution of decree for payment of money on oral application.

42.7. In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 CPC, demand security to ensure satisfaction of any decree.

42.8. The court exercising jurisdiction under Section 47 or under Order 21 CPC, must not issue notice on an application of third party claiming rights in a mechanical manner. Further, the court should refrain from entertaining any such application(s) that has already been considered by the court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

42.9. The court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.

42.10. The court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to sub-rule (2) of Rule 98 of Order 21 as well as grant compensatory costs in accordance with Section 35-A.

42.11. Under Section 60 CPC the term "… in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property.

42.12. The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

42.13. The executing court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the police station concerned to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the court, the same must be dealt with stringently in accordance with law.

42.14. The Judicial Academies must prepare manuals and ensure continuous training through appropriate mediums to the court personnel/staff executing the warrants, carrying out attachment and sale and any other official duties for executing orders issued by the executing courts."

3. In the case of ***M/s. Chopra Fabricators and Manufacturers Private Limited vs. Bharat Pumps and Compressors Ltd. and Anr.***, reported in ***(2023) 3 SCC 534***, the Hon'ble Supreme Court held that Arbitration Award must be executed without delay, otherwise purpose and object of the 1996 Act (Arbitration

and Conciliation Act) as well as Commercial Courts Act, 2015 will be frustrated.

4. In the case of ***Periyammal (Dead) through Lrs. and Others vs. V. Rajamani and Another,*** reported in ***2025 SCC Online SC 507***, the Hon'ble Supreme Court has, in fact, directed as follows :

> *"75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.*
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> *76. Registry is directed to forward one copy each of this judgment to all the High Courts at the earliest."*

5. Accordingly, we deem it appropriate to dispose of this petition with a direction to the Executing Court to take the execution petition to its logical end as expeditiously as possible and in any event by 30th November, 2025.

6. Accordingly, the present civil miscellaneous petition is disposed of.

7. Pending interlocutory applications(s), if any, is also disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

Sanjay/Rohit