



E.P.No.88 of 2023
in
C.S.No.473 of 2002

WEB COPY

MASTER

11.11.2025

ORDER

1. When the matter coming before this Court on 03.11.2025, both side counsels for decree holder as well as Judgment Debtor are present and heard in detail.

2. For the decree holder side it is submitted that the above E.P is one for execution of sale deed in favour of decree holder by the court and in the above E.P execution has ordered and in pursuance of such order draft sale deed has been approved by the Registry. It is also argued on the part of decree holder that the decree is from the year of 2010 and suit from the year of 2002 and in the event of approval of sale deed by the Registry a sale deed ought to be executed and registered in favour of decree holder. It is also further argued that there is no stay from any higher Forum against the decree.

3. For the Judgment Debtor side the learned counsel submitted that there is a delay in payment of balance sale consideration that too before the expiration of limitation period for execution of decree, the decree is one of exparte decree, decree against dead persons and section 47 C.P.C petition to be decided before any further order in the execution.



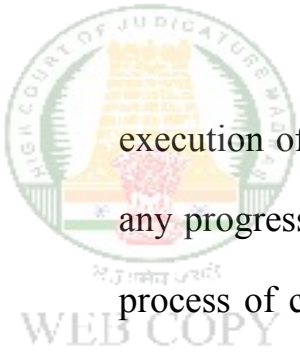
4. Heard both. Records perused. This E.P is one for execution of sale deed in favour of decree holder by the court as per the decree. Also, from records it is clear that the Registry approved the sale deed on 29.10.2025. Admittedly, there is no stay by this E.P court or court of Original Side or any Appellate Court. At this stage, this E.P ought to be proceeded further.

5. The objections of respondent against the decree cannot be conceded in this execution application. The decree in favour of decree holder not yet set aside by any court. Infact, this Judgment Debtor unable to get any order set aside the decree. The contract or agreements between the parties not yet resined by the Judgment Debtor. At this stage, he cannot agitated that there is a payment of balance sale consideration belatedly. The other claim of section.47 C.P.C petition cannot be entertained because no such application entertained by this court so far. Thus, the objections of Judgment Debtor has no bearing on the claim of the petitioner.

6. Every execution application should be completed within a period of six months from its filing. It is a mandate by the Hon'ble Apex Court as well as direction of our Hon'ble High Court. At this stage, this E.P ought to be proceeded further.

7. The learned counsel for the Judgment Debtor argued that till the culmination of his applications to condone the delay as well as application to set aside the exparte order the E.P ought to be stopped.

8. This arguments is unwarranted. Admittedly, there is no stay against the



execution of decree by any court. At this stage, kept the execution application without any progress is amount to stay the proceedings. Any such act will amount to abuse the process of court as well as procedural law, that too, when there is an order of Apex Court as above stated.

9. From the above discussion, it is clear that this application ought to be proceed further. Already sale deed has been approved. Hence, execution and registration of sale deed is ordered. Registry is directed to execute and register the sale deed as per the decree. For compliance of order by 07.01.2026.

MASTER