IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 122 of 2026

1.Jalil Main aged about 60 years, son of Late Duli Mian,
2.Khalil Mian aged about 47 years, son of Late Duli Mian,
Both resident of village-Champapur, P.O.- Champapur, P.S.- Narayanpur, District-Jamtara ……. **Defendants/ Petitioner(s)**

Vrs.

1. Dukhni Devi wrongly described as D/o Late Khubi Pandit and wife of Hublal Pandit, resident of village- Champapur, P.O.- Champapur, P.S.- Narayanpur, at present residing at village- Charghara, P.O.- Champapur, P.S.- Narayanpur, at present residing at village- Charghara, P.O-Champapur, P.S.- Narayanpur, District-Jamtara.
2. Harkhu Pandit,
3. Gondo Pandit,
4. Lerha Pandit, All (sl. no.2 to 4) sons of Late Jaso Pandit,
5. Manoj Pandit,
6. Sanjoy @ Jhupar Pandit, Both (sl. no.5 & 6) sons of Harkhu Pandit,
All (sl. no.2 to 6) resident of village-Champapur, P.O.- Champapur, P.S.-Narayanpur, Subdivision and District-Jamtara.
7. Land Measurement Survey Amin having its office in the office of the Learned Judge-in-Charge, Administrative Department, Civil Court, Jamtara. P.O.+PS- Narayanpur, Dist- Jamtara

..... **Plaintiffs /Opposite Party(s)**

…....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Mr. Mahesh Tewari, Advocate
For the Opposite Party(s) :

02/18.02.2026 The present C.M.P. has been filed for the following relief(s):

(a) Issue an appropriate writ, order or direction, including a writ in the nature of mandamus, commanding the respondents to produce before this Hon'ble Court the entire records pertaining to Execution Case No. 21 of 2023, pending before the Court of the Learned Civil Judge (Senior Division-II), Jamtara, including the order dated 16.07.2025 passed therein.
(b) Set aside and quash the order dated 16.07.2025, passed by the Learned Civil Judge (Senior Division-II), Jamtara, in Execution Case No. 21 of 2023, Annexure-6, whereby the application dated 08.05.2025 filed by Respondent No. 1 was allowed, the name of the deceased original decree-holder Maliya Devi who has passed away has been directed to be declared from the name of the decree holder in the execution

application.

(c) A further direction has been made to add the name of Dukhni Devi as decree holder in the execution application.

(d) A further prayer is also been made before this Hon'ble court to hold that the order dated 16.7.2025 passed by the Learned Civil Judge (Sr. Division-2) Jamtara, in execution Case No. 21/2023, Annexure-6, is completely illegal, arbitrary and a complete misuse of the provision of law.

(e) Set aside and quash the notices issued to Petitioner Nos. 1 and 2, (Annexure-7) restraining them from causing any hindrance in the measurement and survey of Plot No. 1457, measuring 0.37 acres, on which the petitioners have constructed their residential dwelling houses along with bari-land and have been residing peacefully and lawfully with their families.

(f) Issue a direction upon the respondents not to disturb, interfere with, or dispossess the petitioners in any manner whatsoever from Plot No. 1457, admeasuring 0.37 acres, during the pendency of the present application.

(g) Grant an ad-interim and/or interim order of protection, restraining the respondents from taking any coercive steps or from disturbing the peaceful possession of the petitioners over the aforesaid land until final disposal of the present application."

2. Petitioner is claiming that he has permissive possession over the suit land and as such, the decree has not been executed against him by the original decree holder.

3. He wants to resist the execution proceeding being Execution Case No. 21 of 2023 pending before the Court of learned Civil Judge (Senior Division)-II, Jamtara.

4. Law is settled. Rather, the Civil Procedure Code (C.P.C.) mandates and provides the methodology for such resistance,

specifically, various rules under Order 21 of the CPC depending upon cause of resistance and factual matrix of the case.

5. Once the methodology has been provided under the law, specially under the C.P.C., then maintaining the present C.M.P. without invoking the aforesaid provision is not maintainable.

6. In that view of the matter, I find no reason to entertain the present C.M.P., which is accordingly, dismissed.

7. However, petitioner is at liberty to work out his remedy in accordance with law, as available under the C.P.C.

8. I.A. No. 2105 of 2026 stands disposed of.

(Rajesh Kumar, J.)

18.02.2026
A. Mohanty
Uploaded
____/____/2026