2026:JHHC:28607

IN THE HIGH COURT OF JHARKHAND, RANCHI

C.M.P. No. 824 of 2025

1.Gayatri Kujur, wife of late Narendra Bhushan Kujur, aged about 63 years

2.Akash Bhushan Kujur, son of late Narendra Bhushan Kujur and Gayatri Kujur, aged about 34 years

3.Deepak Bhushan Kujur, son of late Narendra Bhushan Kujur and Gayatri Kujur, aged about 42 years,

All are resident of Mohalla Sentola, PO and PS Chaibasa, District Chaibasa ..... *.... Judgment Debtors/Petitioner (s)*

-- *Versus* --

1.Quaisar Neshat

2.Sarwar Imtiaz

3.Khustar Niaw

4.Tanwar Fjaz

All sons of late Halima Khatoon, wife of Abdul Quasim, resident of Mohalla Sentola, P.O. and P.S. Chaibasa, District- West Singhbhum

5.Shama Yasmin

6.Shahla Shreen

Both daughters of late Halima Khatoon, wife of Abdul Quasim, resident of Mohalla Sentola, P.O. and P.S. Chaibasa, District – West Singhbhum *.... Decree Holder/Opposite Party*

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- None

For O.P.Nos.1 to 6 :- Mr. Afaque Ahmed, Advocate

Mr. Sharabhil Ahmed, Advocate

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*8/**23.09.2026*** On repeated call, nobody has responded on behalf of the petitioners, however, the learned counsel for the Opposite Party Nos.1 to 6 are present.

2. This petition has been filed under Article 227 of the Constitution of India for setting aside the judgment/order dated 11.07.2025 passed in Execution Case No.08 of 1997 passed by the learned Civil Judge (Senior Division)-I, West Singhbhum at Chaibasa whereby the petition dated 11.07.2025 filed under Section 47 of the Civil Procedure Code by the judgment debtor has been dismissed.

3. Learned counsel appearing on behalf of the Opposite Party Nos.1 to 6 submits that the judgment debtors/ petitioners have preferred Eviction (Title) Appeal No.3 of 1997 before first appellate court and Eviction (Title) Appeal No.3 of 1997 was dismissed by the judgment dated 20.02.2004 by the First Additional District Judge, at Chaibasa affirming the judgment and decree dated 09.05.1997 and 20.05.1997 (decree signed on 23.05.1997) passed by Sub-Ordinate Judge-I, at Chaibasa passed in Title Suit No.21 of 1992/ 06 of 1994. The same was challenged before this Court in S.A. No.146 of 2004 and the said Second Appeal was also dismissed by the judgment dated 19.05.2010. He further submits that against the said judgment of Second Appeal, the petitioners-herein have preferred Civil Appeal No.3400 of 2017 which was further dismissed by the Hon'ble Supreme court by the order dated 01.11.2023. He

next submits that now the execution case has already been allowed and the decree has been executed in favour of the Opposite Party Nos.1 to 6. He next submits that the Decree holders/ Opposite parties have been granted vacant possession of the suit property on 30.08.2025, in Execution Case No.08 of 1997, which is evident from the Possession receipt dated 30.08.2025 as contained in Annexure-D to the counter affidavit filed by the Opposite party Nos.1 to 6.

4. In view of the above and considering that the matter is set at rest, and nothing survives to be decided in the present C.M.P.

5. As such, this CMP being C.M.P. No.824 of 2025 is, hereby, dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated : 23.09.2026
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