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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1397 of 2026

Puranmal Gupta S/o Late Shri Ganpat Ram Gupta Aged About 70 Years R/o Oshiya Vihar Colony, Phase -2, Nagri Road, Dhamtari, District Dhamtari (C.G.)

... Petitioner(s)

versus

Sumitra Bai D/o Dau Lal Satnami Aged About 55 Years R/o Adhari Nawagaon, Ward No. 8, Dhamtari, Tahsil And District Dhamtari (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Tridib Bhattacharya, Advocate

(Hon’ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

04/11/2026

1. Heard.

2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner claiming following reliefs:-

> *“10.1 That, this Hon'ble Court may kindly be pleased to entire records of the Execution Court in Execution Case No. 10/2023 titled "Puranmal Gupta v. Sumitra Satnami "*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to*

Issue an appropriate writ, order or direction directing the learned Trial/Executing Court of Second Civil Judge Junior Division, Dhamtari, District Dhamtari (C.G.) to expeditiously conclude the execution proceedings pending before it in Execution Case No. 10/2023 titled "Puranmal Gupta v. Sumitra Satnami", within a stipulated time frame, preferably within a period of one month, in the interest of justice.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given."

3. Learned counsel for the petitioner would submit that the petitioner is a decree holder and a decree for possession over the subject land of 52.29 Sqmtr. situated at village Nawagaon, Nazul Sheet No.53, plot No.20/2 has been passed in his favour by judgment and decree dated 31.07.2023 by the learned First Civil Judge Class-I, Dhamtari, in Civil Suit number 54-A/2017. The first appeal filed by the defendant against the said judgment and decree was dismissed by the learned First Appellate Court by judgment and decree dated 06.05.2025 and then Second Appeal No.336/2025 is pending before this Court, in which though there is an interim order passed by the Co-ordinate Bench of this Court on 20.06.2025, however, the said order dated 20.06.2025 was challenged by the petitioner before the Hon'ble Supreme Court in Civil Appeal No.12722/2025, in which the Hon'ble Supreme Court has vacated the interim order dated 20.06.2025 passed by the Co-ordinate Bench of this Court in Second Appeal No.336/2025 vide its order dated 16.10.2025 and requested the High Court to take up the matter for fresh hearing on 27.10.2025. He would also submit that thereafter, there is no interim order in favour of the respondent, who was the judgment debtor in the case. He would further submit that pursuant to

the judgment and decree dated 31.07.2023, the petitioner filed an execution application before the learned trial Court for execution of the decree. But till date, the decree could not be executed despite direction by the learned Executing Court to deliver the possession of the subject property with the help of police force and if the judgment debtor was not found on the property, the possession should be delivered after broke open the lock of the subject property. Yet, the decree could not be executed by the passive involvement of the police force. Therefore, the learned Executing Court may be directed to execute the decree within the stipulated time frame.

4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.

5. From perusal of the documents, the sequence of events surfaced that a decree has been passed in favour of the petitioner by judgment and decree dated 31.07.2023, the first appeal filed by the defendant has been dismissed by the First Appellate Court by judgment and decree dated 06.05.2025 and the Second Appeal No.336/2025 is pending before this Court. In the second appeal, there was an interim order dated 20.06.2025 but by the order dated 16.10.2025 passed by Hon'ble Supreme Court in Civil Appeal No.12722 of 2025, the interim order is vacated, and thereafter, there is no interim order in favour of the judgment debtor, and thus, the petitioner is prosecuting an execution application before the learned Executing Court. It also transpires from the order sheets of the learned Executing Court (Annexure P-6) that possession warrant was issued on 12.08.2025, and thereafter, the case was adjourned from time to time for report of possession warrant, and

repeatedly, process was issued to execute the decree and for delivery of possession. On 15.07.2026, the application filed by the decree holder/petitioner has also been decided and the learned Executing Court has directed to execute the decree with the help of police force, and if the judgment debtor was not found on the spot, the lock, if any, found on the subject property would be broke open and then possession would be delivered to the decree holder. Again, the dates were adjourned from time to time. However, the decree could not be executed despite a direction to execute the decree with the help of police force and removal of the lock over the subject property, if any, in case the judgment debtor is not found on the spot, the decree could not be executed. Though in the case of *Periyammal (dead) through LRs and others versus V. Rajamani and another, etc., 2025 INSC 329,* the Hon'ble Supreme Court has directed for expeditious disposal of execution proceedings within the stipulated time frame.

6. However, considering the order sheets of the learned Executing Court, it appears that the learned Executing Court has already taken necessary steps for execution of the decree and has issued a warrant for delivery of possession with the assistance of the police authorities. The said order also provides for taking appropriate steps, including breaking open the lock, if found necessary, in accordance with law, for the purpose of delivering possession to the decree-holder.

7. In view of the aforesaid steps already taken by the learned Executing Court, this Court does not find it necessary to issue any further substantive direction in the matter. However, the learned Executing Court is expected to take all further consequential steps, in accordance

with law for effective execution of the decree and the concerned police authorities shall extend necessary assistance in terms of the order already passed by the learned Executing Court.

8. In view of the aforesaid observations and directions, the present writ petition stands **disposed of**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sumit