

**(2018) 09 CHH CK 0210**

**Chhattisgarh High Court**

**Case No:** Writ Petition (Art. 227) No. 542 Of 2012

Suresh Chandra Kumar And Ors

APPELLANT

Vs

Budhram And Ors

RESPONDENT

**Date of Decision:** Sept. 12, 2018

**Acts Referred:**

- Code Of Civil Procedure 1908 - Order 21 Rule 97

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Vivek Tripathi, Anand Kumar Gupta

**Final Decision:** Disposed Of

### **Judgement**

Sanjay K. Agrawal, J

1. Heard.

2. The trial Court has granted decree for specific performance of contract way back on 10-11-1995. When the decree was put to execution, it was

resisted by respondents No.2 to 9 herein on the ground that they are owners and purchasers of the suit premises. The executing court declined to

proceed further and directed the decree holders to proceed under Order 21 Rule 97 of the CPC against which this writ petition has been preferred.

3. The decree was granted way back on 10-11-1995 which was obstructed by the private respondents as objectors and they have also filed an

application under Order 21 Rule 97 of the CPC claiming that the execution be closed. That application has not been decided by the executing court

and is pending since 27-4-2010 i.e. prior to passing of order by the executing court. The executing court ought to have decided that application in

accordance with law and could have taken care of the case as the suit was decreed on 10-11-1995.

4. Be that as it may, the executing Court / trial Court is directed to decide the application under Order 21 Rule 97 of the CPC after hearing the parties and conclude and decide the same within two months from the date of receipt of a copy of this order and to proceed in accordance with law, expeditiously.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).