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Uda Ram Vs. Union of India

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Court : Madhya Pradesh

Decided On : Sep-17-2013

Appellant : Uda Ram

Respondent : Union of India

Advocate for Def. : Shri. A.D.Mishra

Judgement :

1 W.P.No.14817/13.

17.9.2013.

None for the petitioner.

Shri A.D.Mishra, learned counsel for the respondent.

Heard on IA No.8334/11 and IA No.15530/12, the applications filed on behalf of the respondent/ decree holder for early hearing of this petition.

As per averments of the applications due to interim stay passed by this Court in the present matter vide dated 26.9.2011 against further proceeding of impugned execution proceeding the respondent is not in a position to execute the decree which was obtained by him in the year 1998 and the same is pending since 18.5.2010.

For the reasons stated in it, the same are allowed matter is taken up for admission and consideration of IA No.10785/11, the stay application.

But it apparent fact that no one is present on behalf of the petition, so hearing on the question of admission is deferred with a direction to place the same after two weeks.

In the available circumstances, taking into consideration that on dated 16.7.98 some Civil Judge, Class-I of Orchha has passed the impugned money decree against the respondent but subsequently it appears from the available record that territorial jurisdiction of such Court was conferred by the Distribution memo issued by the District Judge, to the Civil Judge, Class-I sitting at Niwari and at Orchha there was no such Court of Civil Judge is functioning.

Besides this the execution proceedings of the impugned money decree has been 2 filed to execute the same against the respondents within twelve years from the date of passing the same.

In view of the aforesaid, I am of the considered view that Civil Judge Class-I Niwari has jurisdiction to execute the impugned decree and execution proceeding being filed within 12 years from the date of passing the decree, hence, the same is within limitation.

In such premises, the impugned stay against further proceeding of the execution case deserves to be and is hereby vacated.

Pursuant to it, IA No.10785/11, is hereby dismissed.

List the case for admission after two weeks as directed above.C.C.

as per rules.

(U.C.Maheshwari) Judge k

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