

In The Court of Civil Judge (Jr. Div), Jagdishpur (Bhojpur)
Ex. Case no 5/2024
Ramendra Singh v Usha Singh & Others

Date of order or Proceedings	Order with Initials of Munsif.	Office action taken with
07.07.2026	Decree holder had filed its representation/ pairvi. Judgment Debtor is not on attendance. Case called out. On call Ld. Advocate of Decree Holder appeared and pressed his petition dated 19.01.26. Ld. Advocate of Decree Holder submitted that present Execution case has been filed on the basis of Order and Decree passed in Misc case No. 32/21 and as per the Order and decree, direction has been given to the judgment-debtor to execute the sale deed within 60 days after receiving the rest amount Rs. 3,00,000/-. The decree-holder has filed the present petition praying for permission to deposit the consideration amount of ₹3,00,000/- (Rupees Three Lakhs) in the Court in light of the judgment and decree passed in Miscellaneous Case No. 32/21. Per-contra, rejoinder to this petition has not been filed. Heard learned counsel for the decree-holder and perused the records of the case. Perusal of the record reveals that the underlying decree dated 26.04.2024 explicitly directed the Opposite Party/Judgment-Debtor No. 2 to receive the total consideration amount and execute the sale deed of the disputed land in favor of the applicant within 60 days from the date of the order. The record shows that the Judgment-Debtors failed to comply with this mandatory direction within the stipulated 60-day timeframe, which expired in 26.06.2024. Further appears that to enforce the decree, the decree-holder initiated these execution proceedings. Summonses were duly issued to the Judgment-Debtors via registered post, and a notification was also published in the official gazette to ensure proper service. Despite these efforts, the Judgment-Debtors chose not to appear before this Court. Consequently, vide order dated 08.12.2025, the execution proceedings were directed to run ex-parte against them. Under the provisions of Order XXI Rule 32 and Rule 34 of the Code of Civil Procedure (CPC), when a judgment-debtor neglects or refuses to comply with a decree for specific performance or execution of a document, the executing court is fully empowered to execute the document through its	

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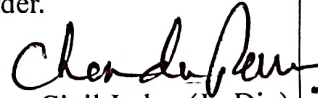
own officer (the Nazir) to give effect to the decree. The decree-holder has demonstrated his bona fide readiness to fulfill his part of the obligation by moving this petition to deposit the required consideration amount of ₹3,0,0,000/- into the Court. Given that the Judgment-Debtors have willfully failed to execute the deed and are currently being heard ex-parte, the decree-holder cannot be left without a remedy to enjoy the fruits of his decree. The petition, therefore, deserves to be allowed.

Order:

- The petition filed by the decree-holder is hereby allowed.
- The decree-holder is permitted to deposit the consideration amount of ₹3,0,0,000/- (Rupees Three Lakhs only) in the Court's treasury via Challan.
- The decree-holder shall bear the necessary expenses for stamp duty and registration.

Hence, in the fact and circumstances mentioned above. petition of decree holder allowed.

Put up on for compliance of order.


Civil Judge (Jr. Div) 7.7.26
Jagdishpur, Bhojpur