

IN THE COURT OF MUNSIF , BENIPATTI

TITLE EXECUTION – 11/2018

11-12-2019

Learned counsel Mr. Shailendra Kumar Das has appeared on behalf of decree holder . Judgment debtor is absent even today.

Case record was put upbefore me for order on dated 28-08-2019 on behalf of decree holder. Judgment debtor has not filed any rejoinder against the same.

Learned counsel of behalf of decree holder Mr. Shailendra Kumar Das humbly submitted that he filed this execution case in the light of judgment pronounced by this court dated 30-03-2017 and decree dated 12 -04 -2017 prepared in T .S – 47/2003. He futher submitted that judgment debtor has not preferred any appeal against the said judgment and decree passed by the court in T. S – 47/2003 . Therefore , execution of decree passed by court is essential in the interest of justice. So , prayed to depute a battalion of 1- 4 police force , 2 lady police , a magistrate and a survey knowing pleader commissioner for the purpose of execution proceeding . Decree holder is ready to deposit the fees of above mentioned personnels. He also prayed to call for report regarding fees of police force from the office of S.P Madhubani and also call for a report regarding fees of a magistrate from D.M Madhubani as well as a report regarding fees of survey knowing pleader commissioner may be obtained from the office of learned District and Session judge , Madhubani. He prayed to call for above reports regarding fees of above mentioned employees and commissioner for the smooth and effective execution proceedings of decree passed in T.S -47/2003.

None appeared on behalf of judgment debtor despite of numerous directions for hearing on petition dated 28-08-2019.

Heard learned counsel Mr. Shailendra Kumar Das appeared on behalf of decree holder and perused the entire case record. In the course of perusing the case record I have gone through the decree passed in T.S- 47/2003 in favour of Jhari Lal Paswan, plaintiff of that suit . It has been mentioned in decree - “ the suit is decreed on contest with cost. It is

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directed to the defendant to remove encroachment from schedule - I land remove and hand over the same to plaintiff within 60 days from the date of the order.”

It is evident that defendants have not comply the order passed in T.S- 47/2003. Decree holder is a person who deserves the fruit of such decree which have been passed in his favour on contestin the suit . It is pertinent to mention here that neither party of T.S-47/2003 has preferred any appeal against the said order in favour of plaintiff. Therefore, it is in the interest of justice to depute the police force and other employees for smooth and effective execution proceedings in respect of the said order. Therefore petition dated 28-08-2019 is hereby allowed with a direction to office clerk to call for report regarding fees of police force and other employees from appropriate authorities. Accordingly petition dated 28-08-2019 is hereby disposed of.

Put up on for further proceedings.

Dictated

Munsif, Benipatti