

**In the Court of Manvendra Singh, Munsif , Narkatiaganj**

**Execution Case No. 8/2025**

**Sanjay Kumar Pandey & others.....Decree Holders  
V/S**

**Rajdeo Yadav & others.....Judgment Debtors**

<b><u>DATE</u></b>	<b><u>ORDER</u></b>	<b><u>REMARKS</u></b>
<b>20.04.2026</b>	<p>Both the parties have filed their attendance. A petition dated 12.03.2026 has been filed on behalf of the Judgment Debtor No. 03 and 04 which is presented for hearing on 20.04.2026.</p> <p>Learned counsel for the Judgment Debtor No. 03 &amp; 04 prayed that present petition has been filed on behalf of Judgment Debtor No. 03 &amp; 04. It has been submitted by Ld. Counsel on behalf of judgment debtor No. 03 &amp; 04 that in present execution case, Judgment Debtor No. 03 &amp; 04 appeared on 27-01-2026 and sought time for filing objection in the present case and thereafter judgment debtor No. 03 &amp; 04 have filed their objection on 09.03.2026. However, from the perusal of the case record, the Judgment Debtor No. 03 &amp; 04 came to know that vide order dated 20.01.2026, Judgment Debtor No. 03 &amp; 04 have been debarred from filing objection &amp; Ex-parte proceedings initiated against them. Hence, counsel appearing on behalf on Judgment Debtor No. 03 &amp; 04 humbly prayed to recall the Ex-parte order dated 20.01.2026 passed against Judgment Debtor No. 03 &amp; 04 and allow them to contest.</p> <p>Rejoinder has been filed on behalf of Decree Holders on 10.04.2026 and stated that the above-noted execution case has been filed for execution of the judgment and decree dated 19-07-1991 passed in Title Suit No. 80 of 1985, as finally affirmed by the Hon'ble Patna High Court on 26-05-2025 and by the Hon'ble Supreme Court on 13-10-2025. The present reply is being filed on behalf of the decree holders against the application for setting aside exparte order dated 20-01-2026 filed by the Judgment Debtor no. 03 &amp; 04, which is wholly misconceived. It is relevant to submit that judgment debtors received summons on 19-11-2025 and date was fixed for appearance on 28-11-2025. However, judgment debtors prefer not to appear on various dated especially on 28-11-2025, 11-12-2025, 24-12-2025, 05-01-2026, 07-01-2026, 12-01-2026, 17-01-2026 and 20-01-2026. There is no explanation of delay in appearance before Court. The judgment debtors has not approached this Court with clean hands and intended only</p>	

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<p><b>Continue 20.04.2026</b></p>	<p>to delay the proceedings. It is humbly submitted that judgment debtors have filed certain objections; however, the same were devoid of merit and intended only to delay the proceedings. It is relevant to submit that as the case has finally been affirmed by the Supreme Court on 13-10-2025. So, it has already attained finality. The so-called objections given by judgment debtor has no legal sanctity, as the same cannot override or bypass the binding order of the Hon'ble Hight Court and Hon'ble Supreme Court. The prayer made by the applicant is vague, misconceived, and legally untenable, and therefore deserves outright rejection. The application on behalf of judgment debtor is with malafide intent, only as delay tactics to anyhow deprive the decree holders from the fruits of the decree. The judgment debtors are not entitled to any relief, much less the relief as payed for, in view of the subsisting order of the Hon'ble High Court. It is therefore most respectfully prayed that this Court may graciously be pleased to dismiss the application for setting aside exparte order dated 20-01-2026 filed by the judgment debtors, Impose exemplary costs upon the judgment debtors for abuse of process of law and Pass any other order as deemed fit and proper in the interest of of justice.</p> <p>Heard both parties and perused the record. From perusal of the record it appears that Judgment Debtor no. 03 &amp; 04 have filed a petition dated 12-03-2026 and prayed for recall of ex-parte order passed by this court on 20.01.2026. The decree holder has submitted his reply on 10.04.2026. Heard the Ld. Counsel appearing on behalf of Judgment Debtor no. 03 &amp; 04 and Ld. Counsel appearing on the behalf of Decree holder at length. Perused the case record. From the perusal it transpires that the summons were issued for the appearance of Judgment Debtors and subsequently, Ex-parte proceedings were initiated against Judgment Debtor no. 03 &amp; 04 vide order dated 20.01.2026. However, it is pertinent to mention here that the Judgment Debtor no. 03 &amp; 04 appeared before this court on 27.01.2026 and prayed for re-call of Ex-parte order. Order 21 Rule 106 of the CPC talks about setting aside orders passed ex-parte which postulates two conditions I.e firstly</p>	
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<b>Continue 20.04.2026</b>	<p>explanation of delay and secondly limitation period of thirty days. In the present case, Judgment Debtor no. 03 &amp; 04 appeared within 7 days from the date of order which reflect that the fact that Judgment Debtor appeared within the prescribed time period of thirty days from the date of knowledge of the order. Moreover, the Judgment Debtor no. 03 &amp; 04 have stated that due to inadvertence they failed to appear and they want to contest this case. Considering the above facts and circumstances and in the interest of justice, the petition of the Judgment Debtor no. 03 &amp; 04 dated 12.03.2026 is hereby allowed with cost of Rs. 1000/- each and only in respect to Judgment Debtor no. 03 &amp; 04.</p> <p>Put up on 24.04.2026 for further proceedings.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;">Munsif Narkatiyaganj</p>	
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