

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

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
06.05.2026	<p>Both the parties have filed their attendance. A petition dated 09.03.2026 has been filed on behalf of the Judgment Debtor No. 03 and 04 (hereinafter referred as J.D no. 03 & 04) which is presented for hearing on 06.05.2026.</p> <p>Learned counsel for the Judgment Debtor No. 03 & 04 prays that the present execution case is not maintainable either in law or on facts and therefore liable to be dismissed. It was alleged that in the judgment and appellate proceedings, the address of J.D. Nos. 03 & 04 was wrongly mentioned as Dhankutwa, P.S. Sikta, whereas their correct address according to Sale Deeds dated 22.06.1981 (Exhibit A & A/1) is Village Bhediharwa, P.S. Shikarpur, West Champaran. On this basis, they claimed that summons were not properly served and orders were obtained ex-parte. According to the objectors, the original suit sought redemption of mortgage/re-conveyance relating to the conditional sale deed dated 15.04.1980. Later, the plaintiff challenged the sale deeds dated 22.06.1981 executed in favour of J.D. Nos. 03 & 04 as illegal and void. J.D. Nos. 03 & 04 claimed possession over half share of 07 Katha 3.5 Dhur land on the basis of Exhibit A & A/1 and argued that their title and possession were never finally adjudicated. It was argued that the Trial Court did not finally decide the validity/effect of the sale deeds of J.D. Nos. 03 & 04 and granted only partial relief. Hence, dispossession cannot be ordered without adjudication of those sale deeds. Though the First Appeal and Second Appeal were dismissed/restored respectively, the objectors argued that neither the Hon'ble High Court nor any superior court gave any specific finding regarding Exhibit A & A/1. The objectors contended that unless cancellation/reconveyance relating to mortgage redemption is completed, no dispossession can legally occur. The J.D. Nos. 03 & 04 prays for dismissal of the execution proceeding in so far as it concerns their land covered under Exhibit A & A/1.</p> <p>Rejoinder has been filed on behalf of Decree Holders on 15.04.2026 and stated that the Decree Holders submitted that the objection petition is misconceived,</p>	

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