

Order on I.A.2

This application is filed u/o 21 Rule 26 r/w Sec.151 of CPC by J.Dr.No.1 and subsequently a memo was filed on 29.6.2018 to treat the said I.A. also u/o 41 Rule 5(2) of CPC to avoid any technical defect. It is contested by the DHR by filing written objections. I have heard the learned advocates representing the parties and perused the case file.

This petition is filed to execute the decree granted in O.S.No:8595/2014. The case file shows that after registration of this execution petition as it was within two years from the date of decree and time meant for vacating of the schedule property was already expired, this court issued delivery warrant straightaway by dispensing with the cause notice. When it was reported that the execution of delivery warrant is obstructed by locking the schedule premises, by further order dt.23.6.2018 this court

re-issued the delivery warrant with break open the lock. Then only the J.Dr No.1 woke up and has come up with I.A. in hand seeking to stay the proceedings of this petition for a period of two months in order to enable him in filing appeal/miscellaneous petition.

In the affidavit accompanying the IA he submits that during the pendency of the suit at the instance of this decree holder he did not contest it and he also submits that the decree holder has orally assured him to enjoy the schedule property till his life time etc.

After going through the application and his affidavit, I seriously doubt the submissions canvassed by him. Only on the reason that he has made such statement on oath, they cannot be accepted as gospel truth. Even assuming that such representations were made by the D.Hr, the J.Dr No.1 has to blame himself and none-else. First of all there is no scope for hearing such empty statements.

The very submission of J.Dr No.1 that he is proposing to file “appeal/miscellaneous petition” would show that still he has not decided whether to file an appeal or a miscellaneous petition, therefore in the given circumstances holding that there is no

substance in the prayer made by him and already he had enough time at his disposal to challenge the impugned decree and further that courts cannot entertain and encourage the litigants, who are careless and negligent of the result of legal proceedings, I proceed to make the following:

ORDER

I.A.No.2 is dismissed as it lacks merit.

Issue delivery warrant as ordered earlier if necessary PF is paid.

Call on hearing date

III Addl. CC & SJ, B'Luru