

R.D. No.27/2013
Senha Vs. Rajkumar

Order below Exh. No. 45.

1. This is an application for review of order passed below Exh. No. 42. As per the contents of this application order below Exh. No. 42 is passed and thereby the execution of decree was stayed till interim order in W.P. No. 4755/2017. It is contended in this application that Hon'ble High Court has not passed an interim order till today. It is not disputed by J. D. that till today no interim order is passed by Hon'ble High Court.

2. In order to review the earlier order there must be by error apparent on the face of record. It is noteworthy that my learned Predecessor by passing order below Exh. 42 stayed the execution till interim order of Ho'ble High Court. It is noteworthy that till today no interim order is passed by Hon'ble High Court. The learned counsel for J. D. has submitted that till today there is no partition between J. D. And other members of joint family. It is noteworthy that order of the court in RCS No. 379/2011 is clear and charge was kept on the undivided share of J. D. Having regard to the aforesaid position, undivided share can also be disposed off by way of attachment and sale. Therefore at this juncture the previous order below Exh. No. 42 can be reviewed because there is error apparent on the fact of record. The

execution was stayed till interim order of Hon'ble High Court. However the J. D. is given one month time to seek appropriate order from Hon'ble High Court else the execution proceeding will be accordingly continued.

Sd/-

Date:-31-10-2017.

(N. G. Vyas)

2nd Jt. Civil Judge, J. D.,
Nilanga.