

ORDER NO.133 dt.27/09/22

Today is the date fixed for hearing of the stay petition filed by the petitioner praying for stay of execution case no. 60 of 2001. It is contended by the petitioner that prior to the disposal of EJ 1216/2000 there was a suit in respect of the self same suit property being EJ 5 of 79 and the said EJ suit no. 5 / 79 was decreed on contest against the legal heirs of Anil Kr. Gupta the original tenant showing Anil Kr. Gupta was died. During subsistence of the decree another suit being EJ 1216/2000 has been filed by the purchaser of the suit property against Anil Kr. Gupta. And Anil Kr. Gupta appeared in the suit and contested the same and during the pendency of the suit died and substituted by his legal heirs and subsequently the said suit also decreed against the legal heirs. Accordingly it is stated that the decree in EJ 5/79 is inexecutable and at the same time during the subsistence of decree in EJ 5/79 the sub-sequent decree in EJ 1216/2000 is also in executable.

Heard both sides. Considering that there is a dispute relating to the executability or not of the decree EJ 1216/2000 is existing and that suit be adjudicated. Accordingly to avoid legal complication the EJ Exe 60/2001 should be stayed till disposal of Misc Case 48/2019 filed u/s 47 CPC.

Hence, it is

ordered

that the EJ Exe 60/01 be stayed till disposal of Misc. Case 48/19.

To 07/12/22 for evidence.

D/C by me

Judge, 4th Bench

Judge