

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 636 of 2026**

Paras Verma Son Of Late Bharat Lal Verma Aged About 62 Years Resident Of Village And Post Risda, Police Station And Tehsil Balodabazar, District - Balodbazar-Bhatapara, Chhattisgarh. (Judgment Debtor No.01)

... Petitioner(s)

versus

1 - Shanti W/o Late Bharat Lal Verma Aged About 72 Years Currently Residing At Santkarma Ward, Bhatapara, District - Balodabazar-Bhatapara, Chhattisgarh. (Decree Holders)

2 - Radhiya Bai Aged About 80 Years, Resident Of Village And Post Risda, Police Station And Tehsil Balodabazar, District - Balodbazar-Bhatapara, Chhattisgarh. Current Add - Santkarma Ward, Bhatapara, Balodabazar-Bhatapara, Chhattisgarh.

3 - Punna Verma @ Annapurna Verma W/o Shivdutt Verma Aged About 58 Years Resident Of Village Kosmanda, Police Station And Tehsil Palari, District - Balodabazar-Bhatapara, Chhattisgarh.

4 - Smt. Beena Verma W/o Late Bharat Lal Verma Aged About 80 Years Resident Of Village And Post Risda, Police Station And Tehsil Balodabazar, District - Balodbazar-Bhatapara, Chhattisgarh.

5 - State Of Chhattisgarh Through Collector, Balodabazar, District - Balodabazar, Chhattisgarh.

... Respondent(s)



For Petitioner(s) : Mr. R.K. Verma, Advocate

For Respondent(s) : Mr. Avinash Singh, G.A.

(Hon'ble Shri Justice Amitendra Kishore Prasad, J.)

Order on Board

04/06/2026

1. Heard on admission.
2. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India challenging the illegality and jurisdictional error of the order dated 06.05.2026 passed by learned First Civil Judge (Senior Division), Baloda-Bazar, District – Raipur (C.G.) in Civil Case No. Execution/8/2021 whereby the application under Order 21 Rule 26 of the CPC filed by the petitioner has been dismissed.
3. Learned counsel for the petitioner submits that the impugned order dated 06.05.2026 passed by the learned First Civil Judge (Senior Division), Baloda-Bazar suffers from a jurisdictional and legal error as it proceeds on a mechanical assumption that the revenue proceedings culminating in the Fard Batwara have attained finality, while ignoring the binding civil court decree dated 20.09.2011, affirmed in appeal, which mandates equal 1/4th shares to each co-sharer. It is submitted that the *ex-parte* and unequal revenue partition dated 16.02.2016 cannot override or dilute the said decree, and the Executing Court is bound to ensure execution strictly in conformity therewith rather than enforce a defective revenue demarcation resulting in manifest inequality and



prejudice. It is further contended that the Executing Court erred in rejecting the petitioner's applications under Order 21 Rule 26 CPC and Section 151 CPC despite specific averments of procedural illegality, absence of notice prior to preparation of the Fard Batwara, and imminent irreparable prejudice upon execution of possession warrants, thereby failing to exercise its jurisdiction to prevent abuse of process and secure the ends of justice. The respondents' reliance on revenue appellate orders is misconceived, as revenue proceedings cannot override a civil court decree, and accordingly it is prayed that the impugned order be set aside, execution proceedings for issuance and enforcement of possession warrants be stayed, and the matter be remanded for fresh consideration in accordance with the decree.

4. The petitioner has prayed for following relief(s):-

“10.1 Call for the entire record of the Execution Proceedings arising out of Civil Suit No. 61-A/2010 from the Court of the 1st Civil Judge (Senior Grade), Balodabazar (C.G.). Civil Judge class-2

10.2 Quash the impugned order dated 06.05.2026 (Annexure P-4) passed by the learned 1st Civil Judge (Senior Grade), Balodabazar.

10.3 Direct the learned Executing Court/ Tehsildar to re-verify the results physical allotments and draw a fresh, equalized Fard Batwara ensuring an exact mathematical 1/4th share (equal partition) to the Petitioner in terms of the original judgment and decree.



10.4 Pass any other relief(s) that this Hon'ble Court deems fit, just, and proper under the facts and circumstances of the case.”

5. Learned counsel for the State opposes and submits that the impugned order dated 06.05.2026 passed by the learned First Civil Judge (Senior Division), Baloda-Bazar is legal, proper, and based on correct appreciation of the revenue record and the finality attained by the Fard Batwara proceedings. It is submitted that the revenue partition dated 16.02.2016 has been duly finalized in accordance with law and has attained conclusiveness, and the Executing Court is bound to proceed on the basis of the existing demarcation rather than reopening settled issues under the guise of execution. The petitioner's attempt to challenge upon the civil decree is misconceived at this stage, as the execution cannot go beyond the operative effect of subsequent revenue determinations which have not been successfully challenged. It is further submitted that the applications under Order 21 Rule 26 CPC and Section 151 CPC were rightly rejected as no procedural illegality or exceptional circumstance was made out warranting stay of execution. Accordingly, it is prayed that the writ petition be dismissed being devoid of merit.
6. I have heard learned counsel for the parties and perused the material annexed with the petition.
7. The relief sought by the petitioner is contrary to the judgment and decree dated 20.09.2011 passed by the learned First Civil Judge (Senior Division), Baloda-Bazar, which has attained finality as the



appeal has also been dismissed. It is well settled that the Executing Court cannot travel beyond the decree nor can it re-open issues which stand concluded therein.

8. The Hon'ble Supreme Court in the matter of **Maurice W. Innis V/s Lily Kazrooni @ Lily Arif Shaikh**¹ held as under :-

“23. In order to address the controversy arising in this appeal, it would be profitable to first place Section 47 of Code of Civil Procedure which provides for the questions to be determined by the Executing Court. The aforesaid Section 47 CPC is reproduced hereinbelow:-

"47. Questions to be determined by the Court executing decree:-

(1) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit.

*(2) ** (omitted)*

(3) Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court."

24. A plain reading of the aforesaid provision makes it clear that the Executing Court is empowered to decide questions relating to execution, discharge or satisfaction of the decree and has no jurisdiction to go beyond the decree sought to be executed. In other words, it has to execute the decree as it is without changing the same. It is settled in law that the jurisdiction of Executing Court is limited to give effect to the decree as passed and not to assume the role of a trial court so as to substitute its own view in place of that expressed under the decree.

1 (2026) SCC OnLine SC 554



25. *In Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman², it has been held as under:-*

"6. A court executing a decree cannot go behind the decree: between the parties or their representatives it must take the decree according to its tenor, cannot entertain any objection that the decree was incorrect in law or on facts. Until it is set aside by an appropriate proceeding in appeal or revision, a decree even if it be erroneous is still binding between the parties."

9. In view of the above submissions and also taking into consideration the judgment passed by the Hon'ble Supreme Court in the matter of **Maurice W. Innis (supra)**, this Court is of the considered opinion that no illegality or jurisdictional error is found in the impugned order dated 06.05.2026 warranting interference under Article 227 of the Constitution of India. The writ petition being devoid of merit is accordingly **dismissed**.
10. However, if the petitioner is aggrieved by any order passed by the Revenue Court, he shall be at liberty to challenge the same before the appropriate forum/revenue appellate authority.
11. Pending Interlocutory Applications, if any, shall stand disposed of.
12. No order as to costs. Certified Copy as per rules.

Sd/-
(Amitendra Kishore Prasad)
JUDGE