

Anil Mohil & ors. versus Paritosh Chauhan & ors.

Civil Revision No.185 of 2024

19.12.2024. Present: Mr. Karan Singh Kanwar, Advocate, for the petitioners.

Civil Revision No.185 of 2024

Heard.

Let notices be issued to respondents No.1 to 8, returnable for four weeks, on taking steps within three days.

List the matter after four weeks.

CMP No.24998 of 2024

Notice in aforesaid terms.

2. Instant application has been filed under Section 151 of Code of Civil Procedure praying for staying the operation, implementation and execution of the orders dated 26.09.2024 [*Annexure P-1*], referred to as the *Impugned Order*, passed by Learned Civil Judge, Nahan, District Sirmaur, Himachal Pradesh, in Execution Petition No.14 of 2007, titled as Paritosh Chauhan versus Anil Mohil & ors.

3. Learned counsel for the petitioners-JDs' has assailed the *Impugned Order* dated 26.09.2024 [*Annexure P-1*], on the ground that

firstly, the Civil Suit was originally filed, in Re: Bikram Singh Thakur versus Kanta Devi & ors., in 1993, which was decreed on 21.09.1999 [Annexure P-2] which was modified by the Appellate Court on 12.09.2000 [Annexure P-3] but once the purchase of suit land or part thereof by Respondents-Paritosh Chauhan & ors., is disputed but these facts/objections have been ignored altogether is perverse, as only rightful owners can step into shoes as assignee of original decree-holder; *secondly*, the decree was inexecutable as the rooms and toilets which were sought to be demolished have not been explicitly specified as to in which Khasra Number and which part of suit land were to be demolished, rendering the decree inexecutable; and *thirdly*, when, the original decree-holder has access to his property from alternative spot which has been ignored by Learned Executing Court, while passing the Impugned Order.

4. Taking into account the entirety of facts and circumstances and the material placed before this Court and upon hearing the Learned

Counsel for the petitioners, this Court is of the considered view, that interim protection needs to be accorded so as to safeguard the rights of parties, herein, at this stage.

Accordingly, parties are directed to maintain status quo as on day; and further proceedings in pursuance of Impugned Order dated 26.09.2024 [*Annexure P-1*] in Execution Petition No.14 of 2007, titled as Paritosh Chauhan versus Anil Mohil & ors., pending before Learned Civil Judge, Nahan, District Sirmaur, Himachal Pradesh, shall remain stayed, till the next date of hearing.

List the matter after four weeks.

December 19, 2024
(Shivender)

(Ranjan Sharma)
Judge