

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. (filing)No. 1663 of 2026

Md. Gani @ Abdul Gani **Petitioner(s)**

-VERSUS-

M/s Shreesainath (India) Private Limited, a Company Incorporated under the Companies Act, represented through its Director Mr. Abhishek Singh

..... Decree Holder (Assignee)/ Opposite Party

Rita Biswas & Ors.

.... Legal Heirs of Original

Decree/Holders/Opposite Parties

Narendra Kaur & Ors.

.....Judgment Debtor/Opposite Parties

.....

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s)

: Mr.Amar Kr. Sinha, Adv

Mr. Sandeep Verma, Adv

For the Respondent (s) :

.....

2/13.02.2026

1. Learned counsel for the petitioner is directed to remove the defect number 248 in course of the day. So far as defect nos. 36 and 42 is concerned; the same is ignored for the time being. However, learned counsel for the petitioners shall remove it within a period of six weeks.

2. Issue notice to all the opposite parties by speed post as well as by ordinary process, for which, requisites etc. must be filed within a week.

3. Looking to the urgency of the case, the same is being heard today.

4. The instant application has been preferred for quashing of the order dated 20.01.2026 passed by the learned Civil Judge (Junior Division)-VI, Ranchi in Execution Case No. 23 of 2024 contained in Annexure-2.

From bare perusal of the order dated 20.01.2026, it transpires that a petition has been filed on behalf of Judgment Debtor No.3, namely, Smt. Bishan Lata Dhamija seeking delivery of possession.

5. It has been contended by the learned counsel for the petitioner that the present petition is not maintainable, inasmuch as, only the decree holder can file an application for execution and not the Judgment Debtor.

6. Prima facie, it appears that there is either some confusion or an error apparent on the record, accordingly order dated 20.01.2026 is stayed until next date of hearing.

7. It has been informed by learned counsel for the petitioner that they have filed an appeal against the order passed by the Ld. trial Court being Civil Appeal No. 01 of 2020, but the same is still pending, and there is no stay in the order.

8. Having regards to the peculiar facts and circumstances of the case and also after going through the order dated 20.01.2026, interest of justice would be sufficed by directing the concerned respondents not to take any coercive measures till the next date of hearing.

9. Ordered accordingly.

10. Since a coercive order has already been passed and notice has been issued; this contention will be considered on the next date of hearing. However, the petitioner herein is at liberty to mention the case before the concerned court (District Judge) for early disposal of stay petition, if any.

11. Needless to say, that till next date of hearing the petitioner shall not be dispossessed.

12. Let this case be listed on 25.03.2026.

13. Let this order be communicated through FAX.

(Deepak Roshan, J)

13.02.2026

Amardeep/

Uploaded
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