

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 502 of 2025

Om Ranjan Kumar

... **Petitioner**

-Versus-

1. Sakhi Chand Sahu
2. Gangotari Kumari
3. Huls Devi
4. Pati Kumari @ Sukhpati Kumari
5. Neelam Singh

... **Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Saurabh Shekhar, Advocate
Mr. Anurag Kumar, Advocate

For the Opposite Parties :

04/20.06.2025 Learned counsel appearing for the petitioner submits that in today's daily cause-list at serial number 36, there is Civil Review No.42 of 2025, which has also been filed by the present petitioner for review of the order dated 07.04.2025 passed in C.M.P. No.291 of 2025, which was disposed of without hearing the petitioner. He further submits that present C.M.P. is also arising out of same execution case being Execution Case No.12 of 2020 (Execution Case No.17 of 2013) pending in the Court of the learned Civil Judge (Sr. Division)-III, Ranchi.

2. In view of such submission, let this C.M.P. be tagged with Civil Review No.42 of 2025.

3. Learned counsel for the petitioner further submits that the petitioner herein purchased the land being R.S. Plot No.2982, Sub-Plot No.2982/A and 2982/B, Khata No.116, situated at Village-Argora through a registered sale deed dated 27.08.2007 from Neelam Singh and Chandrabhushan Singh @ Jitendra Prasad Singh. The name of the petitioner was also mutated and the petitioner is in peaceful possession of the said land. He also submits that the petitioner constructed a multi-storied building over the purchased land after

getting the plan sanctioned from the competent authority i.e. Ranchi Regional Development Authority (R.R.D.A.) vide B.C. Case No.231 of 2008. He then submits that one Jhalku Sahu, who happened to be the brother of Triloki Sahu, who has sold the land to the vendors of the petitioner instituted Title Suit No.66 of 2012 in which the petitioner has not been made party and vendors of the petitioner were made defendants and in spite of that, they have not appeared before the learned Court and ex-parte decree has been passed. He further submits that Execution Case No.17 of 2013 was instituted by the opposite party-decree holder and thereafter only the petitioner came to know about the decree passed in favour of the opposite party. He submits that thereafter the petitioner appeared before the executing court and filed a petition under Order XXI Rule 97 of the CPC, which has been numbered as Civil Miscellaneous Case No.02 of 2021. He submits that the said miscellaneous case is still pending and the learned Court has opined that firstly the miscellaneous case will be decided and thereafter the execution case will be heard. He submits that however in the meantime, opposite party moved before this Court in C.M.P. No.291 of 2025, which was disposed of by this Court vide order dated 07.04.2025 on the strength of the judgment passed by the Hon'ble Supreme Court in the case of ***Rahul S. Shah v. Jitendra Kumar Gandhi and others***, reported in ***(2021) 6 SCC 418***. He further submits that now an impression is being made before the learned Court that without deciding miscellaneous case, in light of the order of this Court executing court is required to dispose of the execution case.

4. It is well-known that when a petition under Order XXI Rule 97 of the CPC is filed, that is required to be decided by the executing court and if that

petition is pending, that is required to be decided. While disposing of C.M.P. No.291 of 2025, this Court has not restricted the learned Court to decide miscellaneous case, which is already pending.

5. Issue notice upon opposite party nos.1 to 5 by ordinary process as well as registered post with A/D, for which, requisites etc. shall be filed within a week.

6. Till the next date, status quo of the property in question shall be maintained by the parties.

7. However, the learned Court will proceed to decide the said miscellaneous case, filed under Order XXI Rule 97 of the CPC by the petitioner. This order will not be an impediment in not deciding the said miscellaneous case pending before the learned Court.

(Sanjay Kumar Dwivedi, J.)

Ajay/