

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. (Filing) No. 14421 of 2025

The Jharkhand State Housing Board through the Secretary,
namely Binay Manish R Lakra Petitioner
Versus

1. Laxmi Devi
2. Sona Ram Rajak
3. Dinesh Ram Rajak Opposite Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Sachin Kumar, Advocate
Mr. Ravi Prakash Mishra, Advocate
Ms. Aditi Raj, Advocate

For the Opp. Parties :

Order No.02 / Dated : 16.12.2025

Instant Civil Miscellaneous Petition has been listed on mentioning slip, considering the urgency of matter.

The case has been fixed by the learned executing court in Execution Case No.26/2025 to hand over the possession of the land to the decree holder. The decree has been obtained by the opposite parties in Title Suit No.174/2003 without impleading the petitioner- Housing Board as party in the said suit.

Petitioner- Board filed the petition under Order XXI Rules 97 & 101 read with Section 151 of the CPC which has been dismissed by the impugned order dated 02.12.2025 on the ground that the stranger to a decree cannot be heard under Order XXI Rule 97 of the CPC.

The petitioner- Housing Board claims that the land in question was acquired by the Government way back in 1964-65 in L.A. Case No.2/1965-66.

It is submitted by the learned counsel on behalf of petitioner that stranger can also be heard under Order XXI Rule 97 of the CPC in view of the ratio laid down by the Apex Court in *Asgar & Others Vs. Mohan Verma & Others*, (2020) 16 SCC 230 and followed in *Jini Dharirajgir & Anr. Vs. Shibu Mathew & Anr.*, (2023) 20 SCC 76.

Considering the urgency of the matter as it is contended that the decree of possession is to be executed today and the same is being passed without hearing the petitioner- Board under Order XXI Rule 97 of the CPC,

execution proceeding is stayed, subject to removal of the defects within two weeks of the order after winter vacation.

Let notice be issued to the opposite parties through their pleader appearing on their behalf in the trial Court in terms of Order III Rule 5 of the C.P.C. for which requisites etc. under ordinary process must be filed within a week of the order.

After service of notice, let service report be sent to this Court within three weeks by the learned trial Court.

Let this case be listed after three weeks.

In the meantime, execution proceeding in connection with Execution Case No.26/2025 arising out of MCA No.478/2025 passed by learned Civil Judge (Jr. Division), Ranchi is stayed.

Let the stay of execution proceeding be communicated to the learned executing court forthwith.

(Gautam Kumar Choudhary, J.)

Anit

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