

**Hon'ble Manoj K. Tiwari, J.**

Mr. Siddhartha Singh, Advocate for the petitioners.

Ms. Mamta Bisht, Dy. A.G. for the State/respondent no. 1.

Vide order dated 07.03.2018, learned counsel for the petitioners was permitted to serve respondent nos. 2 to 9 personally.

Today, learned counsel for the petitioners has produced an affidavit of service which reveals that the private respondents refused to accept Dasti notice. Therefore, learned counsel for the petitioners is permitted to serve private respondent nos. 2 to 9 through publication.

Steps to be taken within a week.

List this petition on 16.04.2018.

Learned counsel for the petitioner submits that the predecessors in interest of the respondent nos. 2 to 9 filed a suit on 18.01.1985, under Section 209 of Uttar Pradesh Zamindari Abolition and Land Reforms Act (hereinafter referred to 'Act') before the Assistant Collector (1<sup>st</sup> Class), Dehradun, which was decreed against the predecessors in interest of the petitioners. Since, the said decree was not put to execution for several years, therefore certain rights accrued over to the judgment debtor. Hence, the judgment debtor filed a suit under Section 229-B of the Act for declaration of their rights in respect of the land in question, which is still pending.

Learned counsel for the petitioner further submits that after filing of the said suit by judgment debtor, the predecessors in interest of respondent nos. 2 to 9 (Decree Holders) put the decree passed in the suit under Section 209 of the Act to execution and the execution proceedings are pending.

It is the contention of learned counsel for the petitioner that execution proceedings cannot be continued in view of proviso to Order 21 Rule 29 of C.P.C. He further contended that the execution of the decree passed in the suit under Section 209 of the Act is time barred as the period of limitation prescribed is one year only.

Having heard learned counsel for the petitioners, as an interim measure, it is provided that till the next date of listing, execution case no.2 of 1997-98, pending before the Assistant Collector (1<sup>st</sup> Class), Dehradun shall remain stayed.

Stay application (CLMA 2075 of 2018) stands disposed of accordingly.

**(Manoj K. Tiwari, J.)**  
19.03.2018

Mamta