

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 25759/2019

[Arising out of impugned final judgment and order dated 21-06-2019 in WP227 No. 99/2019 passed by the High Court of Chhatisgarh at Bilaspur]

SUMITRA & ORS.

Petitioner(s)

VERSUS

RAJSHRI MAHAKALKAR & ORS.

Respondent(s)

(IA No. 19495/2024 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT
IA No. 19491/2024 - APPLICATION FOR SUBSTITUTION
IA No. 156097/2019 - EXEMPTION FROM FILING O.T.
IA No. 156098/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 19492/2024 - SETTING ASIDE AN ABATEMENT
IA No. 143729/2022 - VACATING STAY)

Date : 19-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Navin Prakash, AOR

For Respondent(s) : Mr. Kaustubh Shukla, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel appearing for the petitioners.

Delay condoned.

In the substantive appeal preferred by the petitioners against the decree for partition, there is no stay granted by the first Appellate Court to the execution of the decree. According to the case of the petitioners, the execution application is pending. An

attempt was made to apply for stay by invoking Rule 29 of Order XXI of the Code of Civil Procedure, 1908. That application was rejected. The High Court has confirmed the same by the impugned order. If according to the case of the petitioners, the decree sought to be executed by the Executing Court is not capable of being executed, it is for the petitioners to raise that objection before the Executing Court by filing an appropriate application.

In any case, as the substantive appeal is pending, all steps taken in the execution are obviously subject to final outcome of the appeal.

In view of what is observed above, no case for interference is made out, the special leave petition is accordingly disposed of.

All pending applications including applications for substitution and abatement are disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)