

HIGH COURT OF TRIPURA**A_G_A_R_T_A_L_A_****CRP. No.83 of 2022**

Sahajada Choudhury & Others

.....Petitioners

_V_E_R_S_U_S_

Mamataj Begam & Others

.....Respondents

For Petitioner(s) : Mr. S. Bhattacharjee, Advocate.

For Respondent(s) : Mr. S. M. Chakraborty, Sr. Advocate.

Ms. A. Pal, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD**_F_I_N_A_L_O_R_D_E_R_****27/07/2023**

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioners also heard Mr. S. M. Chakraborty, learned senior counsel assisted by Ms. A. Pal, learned counsel appearing for the respondents.

The present petition has been filed under Article-227 of the Constitution of India for quashing and cancelling the impugned orders dated 24.06.2022 passed in Civil Misc (J) 40 of 2022, Civil Misc (J) 39 of 2022 and order dated 24.06.2022 passed in Ex(T) 07 of 2018 pending before the learned Civil Judge, Sr. Division, Court No.4, Agartala, West Tripura. Further, pass an ad-interim order staying the operation of the impugned orders dated 24.06.2022 passed in Civil Misc (J) 40 of 2022, Civil Misc (J) 39 of 2022 and order dated 24.06.2022 passed in Ex(T) 07 of 2018, till the disposal of the present petition.

The facts in brief are that the petitioners have filed the present civil revision petition invoking the power of superintendence as provided under Article-227 of the Constitution of India for quashing and cancelling the impugned orders dated 24.06.2022 passed in Civil Misc (J) 40 of 2022 and Civil (J) 39 of 2022 and order dated 24.06.2022 passed in Ex (T) 07 of 2018. The petitioners also prayed for passing an ad-interim stay order, staying the operation of the aforesaid impugned orders till the disposal of the present petition.

In view of above, the entire execution proceedings before the Court below are set aside. The petitioners, the decree holders are at liberty to initiate

fresh execution proceeding. This Court finds that neither in the pleadings of the execution proceeding nor in the order passed in the execution proceeding, which is impugned with regard to the suit schedule property and the subject matter, the property which is under attachment in the execution proceeding are separate and no proper reasoning is given in this regard, either in E.P. papers nor in the order. In view of the same, the proceedings under execution proceeding are set aside, both the parties are at liberty to avail remedies in accordance with law. The matter is remand back to the learned Court below for fresh adjudication.

In terms of the above, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

