

(2014) 12 RAJ CK 0009
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9488/2014

Anchi Devi

APPELLANT

Vs

Padma Ram and Others

RESPONDENT

Date of Decision : 18-12-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 101, Order 21 Rule 103, Order 21 Rule 97

Constitution of India, 1950 — Article 227

Citation : (2015) 1 WLN 176

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : S.G. Ojha, Advocate for the Appellant;

Final Decision : Dismissed

Judgement

Arun Bhansali, J.

1. This writ petition under Article 227 of the Constitution of India has been filed aggrieved against order dated 05.07.2014 passed by the executing court, whereby, the objections filed by the petitioner, though titled as under Order XXI, Rule 101 CPC but in fact objections under Order XXI, Rule 97 CPC, have been dismissed. The order passed by the executing Court is a decree under Order XXI, Rule 103 CPC and is appealable and appeal in the present case would lie before the District Judge.

2. In that view of the matter, the writ petition is not maintainable and the same is, therefore, dismissed. However, the petitioner is granted liberty to file appropriate appeal before the appellate Court.