

---

**(2011) 11 AHC CK 0287**  
**In the Allahabad High Court**  
**Case No : Matters No. 2241 of 2011**

|                                     |    |            |
|-------------------------------------|----|------------|
| Braham Pal Singh and Another        | Vs | APPELLANT  |
| Smt. Zainab Alias Zainam and Others |    | RESPONDENT |

---

**Date of Decision :** 17-11-2011

**Acts Referred:**

**Citation :** (2011) 11 AHC CK 0287

**Hon'ble Judges :** Vikram Nath, J

**Bench :** Single Bench

---

## Judgement

Hon"ble Vikram Nath, J.—Supplementary affidavit filed today is taken on record.

2. Heard learned counsel for the petitioners.

3. Suit No.51 of 1969 was filed by the predecessor in interest of the petitioners claiming relief for specific performance of contract, based upon an agreement to sell. The suit was decreed by the trial court vide judgment and order dated 26.9.1972. The defendant filed an appeal which was dismissed by the III-A.D.J., Muzafarnagar vide judgment and order dated 10.10.1975. Further the Second Appeal filed by the defendant was dismissed by this Court vide judgment dated 8.11.1995.

4. It is submitted by the learned counsel for the petitioners that the matter was not carried any further. Despite the conclusion of the litigation the defendant did not execute the sale deed as such execution proceedings were initiated which was registered as Execution Case No.10. of 1999. The said execution is said to be still pending. The execution is being delayed by the judgment debtor on one or the other frivolous grounds and the decree holder petitioners despite the decree having been passed in the year 1972 have still not been able to reap its benefits.

5. According to the learned counsel for the petitioner order sheet of the execution proceedings runs into 75 pages. It is further submitted that the

executing Court may be directed to conclude the execution proceedings at the earliest within a reasonable time which this court may fix. From a perusal of the order sheet it appears that on several occasion when the decree holder or his counsel were present but no one was present on behalf of the judgment debtor, still the executing Court adjourned the matter.

6. Considering the facts and circumstances of the case, this petition is disposed of with a direction to the Executing Court to conclude the execution proceedings, in any case, within a period of three months from the date of production of certified copy of this order, in accordance with law.