
(1999) 04 AHC CK 0154

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 40839 of 1992

Hub Lal

APPELLANT

Vs

Judge, Small Causes Court, Allahabad and Others

RESPONDENT

Date of Decision : 21-04-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 04 AHC CK 0154

Hon'ble Judges : Binod Kumar Roy, J and Onkareshwar Bhatt, J

Final Decision : Dismissed

Judgement

Binod Kumar Roy and Onkareshwar Bhatt, JJ.—The petitioner has come up with the prayer to issue a writ of prohibition prohibiting Respondent No. 1 for not executing the decree relating to 3, Stanley Road, Allahabad, against him.

2. Through an amendment application a further prayer is sought to be made

for issuance of a writ, order or direction in the nature of certiorari quashing the judgment and decree dated 611999, judgment and order dated 2241992 and order dated 911 1992, as contained in Annexures 1, 2 and 4 of the affidavit accompanying the Amendment application.

3. On the very threshold we told the learned Counsel for the petitioner Sri J.N. Sharma that in view of the categorical decision of the Supreme Court in Ghan Shyam Das Gupta v. Anant Kumar Sinha, AIR 1991 SC 2251, holding that a writ petition questioning executability of decree is not to be entertained on the ground that the Code of Civil Procedure contains elaborate and exhaustive provisions, he now states that since the petitioner has been evicted this writ petitions has become infructuous and thereby shall not be pressed.

4. For the reasons aforementioned this writ petition is dismissed as not maintainable.

5. The office is directed to hand over a copy of this order to Sri P.K. Bisaria,

learned Standing Counsel within two weeks for its information to the authority concerned. Petition dismissed.