

**IN THE COURT OF SENIOR CIVIL JUDGE- 1
AIZAWL DISTRICT: AIZAWL, MIZORAM**

FAO NO. 08 OF 2009

Appellant:

Smt. Vanlalchhungi
W/o Vanlalhmuaka
Tlangnuam, Aizawl

By Advocates

: 1. Mr. B. Lalramenga
2. Mr. Reuben L. Tochhawng
3. Mr. J.C. Lalnunsanga
4. Miss Bobita Lalhmingmawii

Versus

Respondents:

Mr. Duhluaia
Salem Veng, Aizawl
C/o Zairuma
O/C, Kulikawn P.S.

By Advocate's

: Mr. Francis Vanlalzuala

Date of hearing : 10-02-2012

Date of Judgment & Order : 10-02-2012

BEFORE

Dr. H.T.C. LALRINCHHANA, MJS
Senior Civil Judge-1

JUDGMENT AND ORDER

INTRODUCTORY

As per the Notification issued by the Govt. of Mizoram under No. A. 51011/3/06- LJE Dated Aizawl, the 1st Dec., 2011 in pursuance of the resolution adopted by the Hon'ble Administrative Committee of Gauhati High Court dt. 1/11/2011 and in accordance with the later circular issued by the Hon'ble District Judge, Aizawl Judicial District, Aizawl under No. A. 22017/14/2009- DJ (A), Aizawl, the 5th Dec., 2011, case record being pending appellate case in the previous District Council Court, Aizawl is endorsed to me and proceed in this court. These all are the outcome of the nascent insulation of judiciary from the executives in Mizoram towards meeting globalization era in the very competitive globe where malfunctioning of the government is a sine quo non to vanish.

BRIEF FACTS, FINDINGS AND ORDER

This appeal is directed against orders passed by learned Magistrate, Additional Subordinate District Council Court, Aizawl dt. 18.3.2009, dt. 21.4.2009, dt. 22.6.2009, dt. 22.7.2009 and dt. 31.8.2009 in Execution Case No. 34 of 2006. Wherein, vehicle Maruti Van B/R No. MZ-01/C-6650 is attached and kept in the court premises for realization of decretal amount. It was challenged in the instant appeal case on the inter alia grounds that the said vehicle is owned by Mr. Vanlalhmuaka, Tlangnuam, Aizawl who is the husband of the judgment debtor. The properties of the husband will not be treated as the properties of his wife is their sole ground.

Heard learned counsels of both parties and fairly agreed to release the said attached vehicle to the registered owner/the purchaser namely- Mr. Vnalalhmuaka by seeking another mode in the executing court.

Thus, the impugned orders passed by learned Magistrate, Additional Subordinate District Council Court, Aizawl dt. 18.3.2009, dt. 21.4.2009, dt. 22.6.2009, dt. 22.7.2009 and dt. 31.8.2009 in Execution Case No. 34 of 2006 are hereby set aside and quashed. Mr. Vanlalhmuaka of Tlangnuam, Aizawl is therefore at liberty to take out of the said seized vehicle for his own benefit and suggested to take out of the same within fifteen days from the date of this order.

With the above orders, the decree holder in pending Execution Case No. 34 of 2006 is at liberty to move the learned lower court by submitting another mode of execution.

As inevitably, Smt. Lalrochami, learned Civil Judge, Aizawl is kindly directed to resume the said pending execution proceedings in the light of the aforesaid observations.

Fixed- 06-03-2012 for appearance of parties in the court of Smt. Lalrochami, learned Civil Judge, Aizawl either in person or by a pleader for resuming execution proceedings.

Give this copy to all concerned.

Given under my hand and seal of this court on this 10th Feb., 2012 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 1
Aizawl District: Aizawl

Memo No. FAO/8/2009, Sr. CJ (A)/

Dated Aizawl, the 10th Feb., 2012

Copy to:

1. Smt. Vanlalchhungi W/o Vanlalthmuaka, Tlangnuam, Aizawl through Mr. B. Lalramenga, Adv.
2. Mr. Duhluaia, Salem Veng, Aizawl C/o Zairuma, O/C, Kulikawn P.S. through Mr. Francis Vanlalzuala, Adv.
3. Pesker to Smt. Lalrochami, learned Civil Judge, Aizawl District, Aizawl for kind necessary action
4. P.A. to Hon'ble District Judge, Aizawl Judicial District- Aizawl
5. Case record

PESKAR