

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

EXECUTION CASE NO. 84 OF 2011
(IN MONEY SUIT NO. 08 OF 2011)

Decree Holder:

Smt. Mary Lalhmasawni
W/o Mr. Remlalsiama
New Secretariat Complex
Khatla- Aizawl, Aizawl District

By Advocates

: 1. Mr. M. Zothankhuma, Sr. Adv.
2. Mr. R. Laltanpuia
3. Ms. Zonuni Hrahse
4. Ms. Avilla Laltanpuia

Versus

Judgment Debtor:

4th Corner Business Union
Hunthar Veng, Aizawl
Aizawl District

By Advocates

: _____

Date of hearing : 14-11-2012

Date of Order : 14-11-2012

BEFORE

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

ORDER

Yes, correct and accepted the submission of learned counsel for the decree holder's that it is the duty of the court to uphold the sanctity of judiciary making reliance in the case of the **Divisional Controller, KSRTC Vs. Mahadeva Shetty and Anr.** decided on 31/07/2003 reported in 2003 AIR 4172, 2003 (2) Suppl. SCR 14, 2003 (7) SCC 197, 2003 (6) SCALE 16, 2003 (6) JT 519, the Hon'ble Apex Court held that-

"The "Rule of Law" requires that the wrongs should not remain unredressed. All the individuals or persons committing wrongs should be liable in an action for damages for breach of civil law or for criminal punishment."

And in **P.K. Ghosh, I.A.S. & Anr. Vs. J.G. Rajput** decided on 10/11/1995 reported in 1996 AIR 513, 1995 (5) Suppl. SCR 51, 1995 (6) SCC 744, 1995 (6) SCALE 257, 1995 (8) JT 214, it was held that-

“A basic postulate of the rule of law is that ‘justice should not only be done but it must also be seen to be done.’

If the court/judiciary fails its sanctity and efficacy, our Indian democratic polity will be victimized. Here is the case where this court is urged to uphold the sanctity of judiciary for realization of the judgment & decree passed in Money Suit No. 8 of 2011.

This is an execution application filed by Smt. Mary Lalhmasawni to realize the judgment & decree passed by this court in Money Suit No. 8 of 2011 Dt. 29-04-2011 which directed and decreed as follows-

“The defendant is therefore directed to pay Rs. 4,00,000/- (Rupees Four Lakhs only) with interest calculated @9% per annum from 09.06.2007 till realization to the plaintiff.

..... The defendant is therefore further direct to pay cost of the suit to the plaintiff at Rs. 12,000/- (Rs. 7000/- for Lawyers fee + Rs. 5000/- for Court fees) whilst the plaintiff is totally at loss.”

Thus, since there is no option except to uphold the sanctity of courts and its efficaciousness towards the honouring the democratic foundation of India, by virtue of O. XXI, R. 32 of the CPC and as held by the Hon’ble Supreme Court in **Hungerford Investment Trust Ltd. (In voluntary Liquidation) v. Haridas Mundhra & Ors.**, AIR 1972 SC 1826 and in **Kanwar Singh Saini vs High Court Of Delhi** decided on 23 September, 2011 in connection with Criminal Appeal No. 1798 of 2009 and also by virtue of the law settled by casting duty of police by the Division Bench of Hon’ble Gauhati High Court in the case of **Utpal Kumar Das vs Court Of The Munsiff No. 1, Kamrup** decided on 30/8/2007 in connection with Writ Petition (C) No. 3696 of 2007 and reported in AIR 2008 Gau 62, 2007 (4) GLT 625 like in the execution proceedings and as prayed by learned counsel for the decree holder, the Officer in Charge, Vaivakawn Police Station, Aizawl is kindly directed to seize the following properties belonging to the judgment debtor namely-

Sl. No.	Properties	Quantity	Estimate Valuation In Rupees
1.	Computer Desktop CRT-	1 No.	7,000.00
2.	Printer (Dot Matrix) -	1 No.	2,500.00
3.	Computer Table -	1 No.	1,500.00
4.	Gas Cylinder -	2 Nos.	2,000.00
5.	Book Shelves (Wooden) -	2 Nos.	2,000.00
6.	Book Shelves Steel -	2 Nos.	4,000.00
7.	Refrigerator (Small) -	1 No.	5,000.00

8.	TV Set (CRT)	-	1 No.	-	5,000.00
9.	Steel Almira	-	2 Nos.	-	6,000.00
10.	Utensils (lumpsum)	-		-	2,000.00
11.	Utensil rack	-	1 No.	-	2,000.00
12.	Office Table	-	2 Nos.	-	3,000.00
13.	Account book (Daily receipt record) and other	-		-	300.00
14.	TV. Table	-	1 No.	-	500.00
15.	Mattresses	-	1 No.	-	100.00
16.	Others (Clothes) etc.	-		-	2,000.00
Total					- Rs. 45,800.00

For that purpose, the decree holder is directed to approach the Officer in Charge, Vaivakawn Police Station, Aizawl for convenience, all the seize properties will be directly taken into the custody/house of the decree holder. The expenditure on transportation of the said seizure will be borne by the decree holder.

And further that the Officer in Charge, Vaivakawn Police Station, Aizawl is further directed to submit a report with seizure memo/lists to this court on or before the date fixed as below-

Fixed- 06-12-2012 for report of execution from the O/C, Vaivakawn Police Station.

Give this copy to all concerned.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 1
Aizawl District: Aizawl

Memo No. EC/84/2011, Sr. CJ (A)/

Dated Aizawl, the 14th Nov., 2012

Copy to:

1. Smt. Mary Lalhmasawni W/o Mr. Remlalsiama, New Secretariat Complex, Khatla- Aizawl, Aizawl District through Mr. M. Zothankhuma, Sr. Adv.
2. 4th Corner Business Union, Hunthar Veng- Aizawl through Mr. M. Zothankhuma, Sr. Adv.
3. Officer in Charge, Vaivakawn Police Station, Aizawl through Mr. M. Zothankhuma, Sr. Adv.
4. Case Record

PESKAR