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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA  
ON THE 26<sup>th</sup> OF MAY, 2022

**WRIT PETITION No. 11936 of 2022**

**Between:-**

1. SMT. SAPNA W/O RAJESH MISHRA  
OCCUPATION: HOUSEWIFE 1009, KHATIWALA  
TANK, INDORE (MADHYA PRADESH)
2. TAMANNA THROUGH GUARDIAN MOTHER W/O  
LATE RAJESH MISHRA 1009, KHATIWALA  
TANK, INDORE (MADHYA PRADESH)
3. KU. CHAHAT MINOR THROUGH NATURAL  
GUARDIAN MOTHER SAPNA W/O RAJESH  
MISHRA OCCUPATION: HOUSEWIFE 1009,  
KHATIWALA TANK, INDORE (MADHYA  
PRADESH)

*(BY SHRI VIJENDRA GEHLOT, ADVOCATE)*

.....PETITIONER

**AND**

1. GOPALSINGH S/O HAJARISINGH CHOUHAN ,  
AGED ABOUT 83 YEARS, OCCUPATION:  
RETIRED M.N. 19, RAILWAY COLONY, ANAND  
NAGAR, KHANDWA (MADHYA PRADESH)
2. MADANLAL S/O RAMKARAN MISHRA  
(DECEASED) THROUGH LRS. MUKESH S/O LATE  
MADANLAL MISHRA , AGED ABOUT 49 YEARS,  
OCCUPATION: BUSINESS 1009, KHATIWALA  
TANK, INDORE (MADHYA PRADESH)
3. MADANLAL S/O RAMKARAN MISHRA  
(DECEASED) THROUGH LRS. KU. SWARNLATA  
MISHRA D/O MADANLAL MISHRA  
OCCUPATION: HOUSEHOLD 1009, KHATIWALA  
TANK, INDORE (MADHYA PRADESH)

.....RESPONDENTS

*(BY NONE)*

.....

*This petition coming on for admission/orders this day, the court passed the following:*

**ORDER**

The petitioners have filed the present petition seeking stay of execution proceedings pending against them and against respondents No.2, 3 and 4.

First Appeal No.1310/2013 filed by the legal heirs of Madanlal has been dismissed by this Court on 10.12.2020 and thereafter, judgment and decree dated 31.12.2013 passed by 14th Addl. District Judge, Indore in Civil Suit No.87-A/2011 has been put to execution. The petitioners are legal heirs of judgment debtor Rajesh who died during Covid-19.

Learned counsel for the petitioners submits that petitioner No.1 being the mother is not in a position to take care of her two minor daughters (respondents No.2 and 3), therefore, the Court has appointed Shri Rakesh Yadav, Advocate as a guardian. Now, vide order dated 13.5.2022 the Court has directed for taking forceful possession of the house with the help of police. The petitioner No.1 has no place to take shelter along with her two minor daughters, therefore, some period may be given to make alternative arrangements.

If the petitioner No.1 is not in a position to maintain her two minor daughters, then the learned Executing Court is directed to call the CWC, Indore for passing an appropriate order for providing necessary shelter to respondents No.2 and 3. So far as petitioner No.1 and respondents No.2, 3 and 4 are concerned, they are bound by the judgment and decree which has been upheld by this Court vide judgment dated 10.12.2020.

With the aforesaid limited direction, this petition is disposed of.

Alok

