

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Revision no. 46 of 2018

Nandi Sharma, aged about 49 years, son of late Jagdish Sharma, resident of Q.no. L-1/26, Kalimati Road, P.O. and P.S.- Sakchi, Jamshedpur, District- Singhbhum East, Jharkhand Petitioner

Versus

1. Tata Steel Limited, having its office at 24, Homi Mody Street Fort, Mumabai and having its works at- Jamshedpur, P.O.-Sakchi, P.S.-Bistupur, Jamshedpur, District-Singhbhum East, Jharkhand
2. Shakuntala Devi, wife of late Jagdish Sharma, resident of Q.no. L-1/26, Kalimati Road, P.O. and P.S.- Sakchi, Jamshedpur, District- Singhbhum East, Jharkhand
3. Surendra Sharma, Son of late Jagdish Sharma, resident of Q.no. L-1/26, Kalimati Road, P.O. and P.S.- Sakchi, Jamshedpur, District- Singhbhum East, Jharkhand Opp. Parties

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Ayush Aditya, Advocate
For the Opp. Parties :

03/Dated:31.08.2018

Having heard learned counsel for the appellant and on going through the record, it appears that the execution case has been levied under Section 634 of the Companies Act, 1956, which was challenged by the petitioner in the court below on the ground that the said execution case was not maintainable. The petition challenging levying of execution by the decree-holder as well as prayer for stay of the execution have been rejected by the court vide impugned order dated 29.06.2018.

On plain reading of Section 634 of the Companies Act, 1956, it is explicit that the statute prescribes any order made by the court under the Act shall be enforced in the same manner as a decree made by the court in a suit pending, therein.

Thus, in view of the mandate of statute, no illegality or irregularity has been committed by the court below, accordingly, this revision application is, hereby, dismissed.

(Amitav K. Gupta, J.)