

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.5786 OF 2015
(Arising out of SLP(C)No.32991 of 2010)**

INDER CHAND (D) THR. HIS LRS. ... APPELLANT(S)

VS.

MOTILAL (D) THR. HIS LRS. ... RESPONDENT(S)

O R D E R

ANIL R. DAVE, J.

1. Leave granted.
2. Heard the learned counsel.
3. In our opinion, it was not open to the High Court to modify its order after the said order had been given a seal of approval by this Court.
4. In the circumstances, we allow the appeal and modify the impugned order dated 22nd July, 2010 by directing that the following paras of the impugned order shall be deleted :

“xxx

With these observations, this application is, hereby, allowed.

Meanwhile the executing court before whom a petition has been filed for executing the decree, is directed not to proceed any further on the execution petition No.13/2010.”

5. It is also clarified that S.B. Civil Regular First Appeal No.36/1976 has already been disposed of by order dated 12th March, 1987 and therefore, the interlocutory application, which had been filed before the High Court, had already been disposed of by virtue of order dated 22nd July, 2010.

6. With the above observations, the appeal is disposed of as allowed with no order as to costs. The executing Court shall do the needful.

.....J.
[ANIL R. DAVE]

.....J.
[KURIAN JOSEPH]

New Delhi;
24th July, 2015.

JUDGMENT