

Case Law PDF Free Download on Decree and Execution Proceedings

1. Decree Binding Effect: Party to decree or his representative is not entitled to challenge its validity until it is set aside on ground of fraud or any other ground. | *A.I.R. 1938(ALL) 259*
2. The executing court cannot go beyond decree. The decree was passed against the writ-respondent also and therefore, the executing court had no jurisdiction to strike out their names from the execution case. | *68 DLR(AD) 113, 8 ALR(AD) 58, 1 LM(AD) 135*
3. Order 21 Rule 29 with section 151: An application for stay is maintainable in the sub-sequent suit challenging the decree pending in the same court for stay of execution proceeding arising out of the decree between the judgment creditor and judgment debtor. | *51 DLR 425, PLD 1957(Dhaka) 603, AIR 1931BOM 247, 19 BLD 366*
4. A decree holder should not be deprived of the fruit of the decree. | *38 DLR 227*
5. Order 21 Rule 29: When the court is satisfied in the interest of justice, stay of execution of decree should be allowed. It shall pass such an order of stay on the terms as to security or otherwise of the interest of the decree holder. | *29 DLR(SC) 282*
6. Order 21 Rule 29: This provision of code applies only in case of a person who challenges of the decree under the execution in a subsequent suit. | *47 DLR(AD) 95*
7. When any person obtained a decree by **practicing fraud and collusive**, the decree can be challenged by new suit in the same court from which the decree was passed. | *4 XP(AD) 82*
8. Suit against **dead person** who transferred his right, title and interest prior to institution of the suit and **said purchaser was not added as party** to this suit. Any judgment and decree passed against his property he is apparently not binding by the said judgment and decree. | *4 XP(AD) 82*
9. Judgment and decree by a competent civil court in a proper constituted suit between the same parties, are binding upon both the parties. | *4 XP(AD) 95*
10. A party cannot entitled to a set a side the decree who was not party to the entire suit, not to show any reason in the plaint why the solenama could be treated as illegal and how he had been prejudiced by the said decree. | *5 XP(AD) 69*
11. Any decree passed against defendant who has got direct interest in the suit land, it was quite competent to bring it to the notice from the court but no notice was served upon him and without serving any notice upon the interested defendant, any decree passed against is nullity. | *6 XP(AD) 119*
12. Order 21 Rule 26: When the **summons were duly served** and accepted by the trial court, the decree holder should be allowed to **enjoy the fruit of the decree** and for filling a subsequent suit further proceeding of the execution case cannot be stayed. | *55 DLR(AD) 64*
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