

- **Civil Procedure Code, 1908 (V of 1908) Order 21 Rule 32 - Before passing an order under O. 21 R. 32 [CPC](#) Executing Court is required to arrive at a finding that the JD has wilfully disobeyed the decree - In the absence of the said material, the Executing Court has to dismiss the execution petition - Petitioner has alternative remedy of filing a suit for possession after establishing his title.**
- **Civil Procedure Code, 1908 (V of 1908) Order 21 Rule 32 - While deciding injunction suit simpliciter, the court does not decide the question of title - Petitioner has failed to produce evidence to prove that he has in fact been dispossessed after the institution of the suit - Executing Court has rightly dismissed the execution petition.**

[read here PLRONLINE 488573](#)