

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.6340 OF 2011 IN
LETTERS PATENT APPEAL ST.NO.12194 OF 2011 IN
WRIT PETITION NO.2052 OF 2010

Kondaji Wakhaji Brahmane,
deceased through his L.R.
Yohan s/o Kondaji Brahmane

Applicant

Versus

Markas Wakhaji Brahmane,
deceased through L.Rs
Lukas s/o Markas Brahmane
and others

Respondents

None present for the applicant.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 02nd July, 2015**

PER COURT:

None appears for the applicant.

For the reasons recorded in the application,
application deserves to be allowed and same is accordingly allowed.
Delay of 283 days occurred in presenting instant Letters Patent
Appeal stands condoned.

Civil Application disposed of.

**P.R.BORA
JUDGE**

adb/ca634011

**R.M.BORDE
JUDGE**

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WRIT PETITION NO.2052 OF 2010

Kondaji Wakhaji Brahmane,
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Yohan s/o Kondaji Brahmane

Appellant

Versus

Markas Wakhaji Brahmane,
deceased through L.Rs
Lukas s/o Markas Brahmane
and others

Respondents

None present for the appellant.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 02nd July, 2015**

PER COURT:

Perused the order dated 24.06.2010, passed by the learned Single Judge in Writ Petition No.2052 of 2010.

The grievance raised by the appellant before the learned Single Judge was in respect of failure of the executing Court to extend an opportunity of hearing before issuing warrant for possession in respect of half share in G.No.228.

The function of execution of the decree of partition has to be performed by the Revenue authorities in view of Section 54 of the Code of Civil Procedure Code and the Civil Court was not expected to deal with the objection, if any, stated to have been

presented by the appellant. The view taken by the learned Single Judge is proper and does not call for any interference in the instant Letters Patent Appeal. The appeal is devoid of substance.

Letters Patent Appeal stands dismissed. Pending Civil Applications do not survive and stand disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE