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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5024 OF 2015

Sheetal Hybrid Seeds Company

PETITIONER

VERSUS

Shantilal Mangalchand Luniya & Another

RESPONDENTS

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Mr. B. R. Warma h/f Mr. S. S. Agrawal, Advocate for petitioner
Mr. Uday S. Malte, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 24th JUNE, 2015

ORDER :

1. After hearing learned advocates for the parties, it appears that the petitioner contends that the petitioner is a company, which is in possession of the disputed property and that the decree in the suit is in respect of the very same property. Petitioner, therefore, apprehends dispossession in execution of the decree.

2. It is the submission of learned advocate for the petitioner that the suit premises were initially let out by the landlord to a partnership firm bearing name M/s Sheetal Hybrid Seeds Company. It is further being submitted that subsequently, the partnership firm came to be converted into a private limited company. Learned advocate for the petitioner goes on to submit that in spite of aforesaid, the suit had been instituted against the partnership firm,

wherein one Mr. Suresh Agrawal came to be shown as partner of said company. The suit proceeded against said Suresh Agrawal and has been decreed.

3. Mr. Malte, learned advocate for respondent No.1, however, submits that the challenge on merits at the behest of the petitioner is not sustainable and that the decree is liable to be executed as has been passed by the court.

4. Looking at aforesaid submissions, if at all the petitioner has any grievance against the decree, the same be posed under an avenue provided by law. It is also open for the petitioner to take up proceedings as are being advised and as would be available in law, if the petitioner is aggrieved by the decree.

5. Writ petition, as such, stands disposed of with no order as to costs.

[SUNIL P. DESHMUKH, J.]