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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.3749 OF 2015
WITH
CIVIL APPLICATION NO.4933 OF 2015**

Parasram Chandrabhan Gaikwad,
deceased, through L.Rs.

..PETITIONERS

VERSUS

Digambar s/o Tatyaba Gaikwad,
deceased, through his L.Rs.

..RESPONDENTS

Mr S.S. Choudhari, Advocate for petitioners;
Mr V.G. Sakolkar, Advocate for respondents no.1.1 to 1.7

CORAM : N.W. SAMBRE, J.

DATE : 18th November, 2015

ORAL ORDER :

The petitioners – judgment debtors have questioned various orders passed by Civil Judge Junior Division, Kallam, on 16th March, 2015, below Exhs.38, 40, 41 and 60, in Regular Darkhast No.8 of 2012, rejecting their objection, ordering issuance of possession warrant for delivery of the suit premises and the order directing issuance of seizure warrant.

2. The foremost ground pressed into service by Mr Choudhari, learned Counsel appearing on behalf of the petitioners is that, in view of filing of the Special Leave Petition before the Apex Court, this Court should await the judgment/order in the said Special Leave Petition and should protect the interest of the petitioners – judgment debtors till then. According to him, no

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prejudice will be caused to the other side.

3. While opposing the submissions, Mr Sakolkar, learned Counsel appearing on behalf of respondents no.1.1 to 1.7 – decree holders, would submit that against the decree passed by the first appellate court, Second Appeal carried to this court was dismissed, so also the review petition therein. According to him, the respondents are agitating for their right since 1989 and as such, the petition does not call for any interference.

4. Having bestowed my anxious thought to the submissions made by the respective Counsel, it is required to be noted that though the petitioners have come out with a case of filing of the Special Leave Petition before the Apex Court, yet the fact remains that there are findings recorded by the first appellate court and the second appellate court against them. It is also required to be noted that their review petition is already dismissed. The respondents - decree holders are agitating their claim since 1989 and in my opinion, filing of the present petition is nothing but playing tactics on the part of the petitioners – judgment debtors to arrest the efforts of decree holders to get the fruits of the decree.

5. In view of above, no interference is called for. Thus, the petition stands rejected with no order as to costs.

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6. Civil Application No.4933 of 2015 stands dismissed being not pressed by the petitioners.

(N.W. SAMBRE, J.)

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