

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 91 OF 2009
(The Branch Manager/Chief Manager, State Bank of India,
Dhule Vs. Mahendrakumar Mohanlal Oswal and others)

Mr. N.B. Suryawanshi, Advocate for the petitioner
None for the respondents

CORAM : M.T. JOSHI, J.
DATE : 29/04/2015

ORAL ORDER :

1. Heard Mr. N.B. Suryawanshi, learned counsel for the petitioner. The notice is served on respondent No. 4 who is legal representative of deceased respondent No.1. None present for the respondents.

2. From the impugned order, it is found that the learned Judge was misled by the title of the application which showed that it was filed under Order-XXI Rule 26 of the Code of civil Procedure. In fact, in the execution proceeding, the application for recording of satisfaction of the decree should have been under Order-XXI Rule-1 of the Code of Civil Procedure. According to the present petitioner i.e. judgmentdebtor, it being a bank money under the decree was paid naturally through

bank. In that view of the matter, the following order:-

3. The civil revision application is allowed without any order as to cost. The order dated 16.04.2009, passed by the Civil Judge, junior Division, Dhule below Exhibit-34 in Regular Darkhast No. 6/2006, is hereby set aside. Instead, the executing court is directed to decide the application (Exh-34) afresh.

. The amount deposited in this court be remitted to the executing court.

[M.T. JOSHI]
JUDGE

npj/cra91-2009