

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

WRIT PETITION NO.6247 OF 2014

1. Babasaheb Deoram Khandekar,
Age 54 years, Occu. Agriculture
2. Bhivsen Deoram Khandekar,
Age 49 years, Occu. Agriculture
3. Popat Deoram Khandekar,
Age 42 years, Occu. Agriculture,

Nos. 1 to 3 r/o Hamidpur,
Taluka and Dist. Ahmednagar
4. Sau.Shantabai Raghunath Padir,
Age 38 years, Occu. Household,
R/o Takali Khasgaon,
Taluka and Dist. Ahmednagar

.. Petitioners-
(Judgment Debtors)

Versus

- Dagadu Bhagoji Khandekar,
Age 70 years, Occu. Agriculture,
R/o Hamidpur,
Taluka and Dist. Ahmednagar

.. Respondent
(Decree holder)

Mr P.S. Pawar, Advocate for petitioners
Mr R.R. Karpe, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th April 2015

PER COURT

1. The petitioners-judgment debtors to a suit for partition and separate possession, wherein decree for partition of property bearing Gut No.75 ad-measuring 5½ R came to be passed, have moved an objection before the executing Court which was not pressed by them vide purshis Exh.40. The nature of objection which was sought to be raised was that the originally, execution which was initiated was pertaining to 2½ R land whereas upon reconstruction of the record of the execution proceedings, the same was enhanced to 5½ R.

2. Admittedly, the present petitioners, on earlier occasion had raised similar objection vide Exh.33 and in somewhat similar manner vide Exh.11 which were not pressed by them. Similar appears to be the case even in relation to the order impugned, as they have passed on the purshis Exh.40 thereby informing the Court that they do not want to press their objection which has prompted the Court to pass an order of referring the decree to the revenue authorities.

3. From the conduct of the present petitioners, it appears that the petitioners are trying to delay the proceedings of execution by repeatedly moving objection of similar nature and then not pressing the same.

4. In view thereof, there is no substance in the petition. The petition fails, stands dismissed.

5. In the background of the conduct of the petitioners, i.e. raising similar type of objections time and again and not pressing the same at later point of time, so as to kill the time prima facie prompts this Court to saddle costs of Rs.5,000/- on the petitioners. The amount of costs be paid by the petitioners to the respondent within a period of six weeks from today by depositing the same before the executing Court.

(N.W. SAMBRE, J.)