

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

WRIT PETITION NO.6483 OF 2012

Kamalbai w/o Mahadu Warik,
Age: 51 years, Occ: Agri./Household,
R/o. Atola, Tq. Chakur,
Dist. Latur.

...Petitioner

versus

The State of Maharashtra,
Through the Secretary,
Revenue Department,
Mantralaya, Mumbai & Ors.

...Respondents

.....

Mr. Abhaya R. Rathod, Advocate for petitioner.
Mr. D.R. Korde, A.G.P. for respondent/State.
Mr. V.D. Gunale, Advocate for respondent Nos.6A to 6C,
7F, 8E, 8F & 8H.

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CORAM : N.W. SAMBRE, J.

DATE : 6TH APRIL, 2015

ORAL ORDER :

Second Appeal No. 427 of 2001 preferred by one Pandhari Apparao Warik against the present petitioner was dismissed by this Court on 25/01/2006. The proceedings were arising out of Regular Civil Suit No. 303 of 1981 filed by the present petitioner for partition and possession.

2. Pursuant thereto, execution proceedings were filed vide Regular Darkhast No. 12 of 2006 on the file of Joint Civil Judge,

Junior Division, Nilanga. The said Court on 03/01/2012 below Exhibit-41 has passed the following order.

“ D.H. is absent. Ld. Advocate for D.H. is present. He submitted that purpose of darkhast is served out of Court & D.H. does not want to proceed with Darkhst & it be disposed of.

The applications for issuing notice to J.D. are not pressed.

Hence in view of submissions made by Adv. H.V. Gaikwad for D.H. & for want of steps, the execution petition is disposed of as dismissed.”

3. The certified copy of the order tendered by the learned Counsel for the petitioner is taken on record and marked 'X' for identification.

4. As the execution proceedings itself are disposed of by the learned Executing Court, in my opinion, the orders which are impugned in the present petition, which are arising out of the said execution proceedings are also not required to be gone into, as execution proceedings itself are disposed of.

5. In view thereof, writ petition stands dismissed.

[N.W. SAMBRE, J.]