

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

WRIT PETITION NO.7995 OF 2014

Chandrashekhar Sidramappa Chinchansure,
Age: 83 years, Occ: Agri.,
R/o. Kasarsirsi, Tal. Nilanga,
Dist. Latur.

...Petitioner

versus

1. Bhaurao Sidramappa Chinchansure,
Since deceased Per LRs.
- 1A. Smt. Sugalabai Bhaurao Chinchansure,
Age: Major, Occ: Household,
R/o. Kasarsirsi, Tal. Nilanga,
Dist. Latur.
- 1B. Shivanand Bhaurao Chinchansure,
Age: Major, Occ: Agri.,
R/o. Opposite Datta Mandir,
Ausa road, Latur.
- 1C. Kailas Bhaurao Chinchansure,
Age: Major, Occ: Agri.,
R/o. As above.

2. Baburao Sidramappa Chinchansure,
3. Gulabrao Sidramappa Chinchansure,

Both R/o. Kasarsirsi, Tal. Nilanga,
Dist. Latur.

...Respondents

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Mr. Satyajit S. Bora,, Advocate for petitioner.
Mr. P.G. Godhamgaonkar, Advocate h/f Mr. M.D.
Godhamgaonkar, Advocate for respondent Nos. 1B & 1C.

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CORAM : N.W. SAMBRE, J.

DATE : 24TH MARCH, 2015

ORAL ORDER :

. Heard Mr. Bora, learned Counsel for the petitioner-Judgment Debtor, who suffered decree for possession, which was confirmed upto Apex Court. According to him, the case of petitioner-defendant No.1 is required to be examined on the back ground of the fact that he is going to be landless, if the decree is executed, as according to him, the dispute is between *inter se* brothers and the property to which the petitioner is entitled is in possession of another brother.

2. In my opinion, if the above referred submissions are tested in the light of Order 21 and the procedure for execution provided in Sections 51 to 54 of the Code of Civil Procedure, no illegality is noticed in the impugned order. As such, the petition fails, stands rejected.

[N.W. SAMBRE, J.]