

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

WRIT PETITION NO. 10748 OF 2015

Dattatraya s/o Prabata Shelge and others .. Petitioners

vs

Gangadhar s/o Dattatraya Shelge and ors. .. Respondents

Mr. Satish S. Manale, Advocate for petitioners
Mr. V. M. Maney, Advocate for respondent no.1

CORAM : SUNIL P. DESHMUKH, J.
27TH OCTOBER, 2015

ORDER:

1. Heard learned counsel for the parties.
2. On perusal of impugned order on application Exhibit 5 in regular civil appeal No. 21 of 2015 passed by learned District Judge-2, Udgir, it appears that the court has considered the application to be premature since there was no room for apprehension about execution of the decree in regular civil suit no.293 of 2012 and thus prayer has been rejected.

3. In the circumstances, if the room for apprehension for execution of decree is created and an application for execution is taken up, it is open for the petitioners to make proper application for interim relief afresh, which shall be considered without being bogged down by rejection of earlier application at Exhibit - 5.

4. Writ petition accordingly stands disposed of.

SUNIL P. DESHMUKH, J.

pnd