

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION STAMP NO. 31418/2015
IN
WRIT PETITION NO. 5183/2003

Kewalsingh S/o Indersingh Sodhi ... Applicant/
Petitioner

Versus

... Respondents
Aurangabad Municipal Corporation,
through its Municipal Commissioner,
Aurangabad.

...
WITH
CIVIL APPLICATION STAMP NO. 31420/2015
IN
WRIT PETITION NO. 5179/2003

Avtarsingh S/o Indersingh Sodhi ... Applicant/
Petitioner

Versus

... Respondents
Aurangabad Municipal Corporation,
through its Municipal Commissioner,
Aurangabad.

Advocate present

CORAM: VIJAY S.KULKARNI
REGISTRAR (JUDL)

DATED: 26/10/2015

1. Heard learned Advocate for applicant/ petitioner Shri Sonpethkar at sufficient length.
2. This is an application filed for transmission of order of this Hon'ble Court for execution under Section 39 of the Code of Civil Procedure (CPC). The provisions of Chapter XVII rule 21 of the Bombay High Court Appellate Side Rules, 1960 would come into play for deciding the claim of the applicant.

3. Learned Advocate for applicant has vehemently argued that the Writ Petition No. 5179/2003 and 5183/2003 were filed by the applicant, wherein certain orders came to be passed by the Hon'ble High Court. It is argued that the order passed by Hon'ble High Court in the aforesaid two petitions have not been complied with or executed by the concerned. It is further argued that the affidavits of the applicants and the Certified copy of order passed in both the Writ Petitions are accompanied by the present applications. Lastly, it is argued that the the applications filed by the applicantS be allowed and the document accompanied with the applicants be transmitted to the concerned Court for execution of the order.

4. Taking into consideration the submission made by the learned Advocate for applicants and in the facts and circumstances of the case, I find substance in the submissions made by learned Advocate for applicant sand I am inclined to pass following order.

ORDER

A] Both the applications are hereby allowed.

B] The papers be transmitted to the concerned Court i.e. the Corporation Court, Aurangabad established under the law for execution of the order in letter and spirit by invoking the provisions of Section 39 of Code of Civil Procedure Code.

C] The applications accordingly stand disposed off.

REGISTRAR (JUDL)