

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

WRIT PETITION NO. 11410 OF 2015

Mallikarjun s/o Sangramappa Karanje,
Age: 58 years, Occ: Business,
R/o. Veer Hanumantwadi, Latur ...Petitioner

versus

Sidram Sangramappa Karanje,
Age: 56 years, Occ: Business,
R/o. Veer Hanumantwadi, Latur
Tq. & Dist. Latur & anr ...Respondents

.....
Mr. Ravibhushan Adgaonkar, Advocate h/f Mr. B.M. Dhanure,
Advocate for petitioners
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CORAM : N.W. SAMBRE, J.

DATE : 23rd NOVEMBER, 2015

ORAL ORDER :

An order dated 12/08/2015 passed by the Executing Court in Regular Darkhast No. 11 of 2013 is questioned by the judgment-debtor. The said execution proceedings were arising out of the compromise decree passed below Exhibit-10 in Regular Civil Suit No. 484 of 2006 on 19/07/2006 by Civil Judge, Senior Division, Latur between the parties.

2. Learned Counsel for the petitioner-judgment debtor would urge that clause-8 of compromise decree since was not

honoured by decree-holder, which contemplates liability on the decree holder, petitioner judgment-debtor has also not complied with certain part of compromise decree. According to him, unless the parties settled the issue amongst themselves as regards independent liability, the execution proceedings ought not to have been permitted to entertain. He would then urge that objection to that effect raised by him was illegally rejected.

2. Having perused the nature of objection raised by the petitioner and considerations thereof by learned trial Court, it is required to be noted that the issue that is sought to be canvassed before this Court was pressed before the Executing Court. The Executing Court has rightly decided the objection which was brought to his notice.

3. In view of above, no case is made out for interference. The petition fails, same stands dismissed.

[N.W. SAMBRE, J.]