

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 27 OF 2015**

Shri Vinod Kumar Bhatia,
Tembwada Beach, Morjim,
Pernem, Goa.

..... Petitioner

Vs.

M/s. Robin Intentional Ltd.,
Residing at House no.499,
Saklebhat, Carambolim, Goa
and 2 Others.

..... Respondents

CORAM: N. M. JAMDAR, J.

DATE: 10TH FEBRUARY, 2015.

ORAL ORDER:

By this petition, the petitioner challenges the order passed by the District Judge-1, at Mapusa dated 26th September, 2014 rejecting the application filed by the petitioner in the execution proceeding.

2. I am not inclined to interfere with the impugned order as the petitioner has already taken steps to challenge the judgment and decree which is put under execution. The petitioner had filed an application under Order 9 Rule 13 before the Court of Addl. District Judge, New-Delhi, which application, it is informed, is rejected and the petitioner

intends to challenge the same before the higher forum. Therefore, since the petitioner has already chosen to take steps to challenge the main judgment and decree put under execution, it is not necessary to interfere with the impugned order.

3. Mr. S. Vales, learned counsel for the petitioner, however, submits that it will take sometime to file the proceedings as mentioned above at Delhi and, therefore, some breathing time may be granted to the petitioner. In the circumstances, though the petition is being dismissed, no coercive steps will be taken against the petitioner for a period of six weeks. Since this order is passed in the absence of the respondent it would be open to the respondents to apply to this Court in case they are able to demonstrate that they severely prejudiced by the arrangement arrived at.

4. The writ petition is accordingly disposed off.

N. M. JAMDAR, J.

Ap/-