IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.30968 OF 2014

M/s. Autocare Proprietary Firm .. Petitioner

Versus

M/s. Hindustan Trading Corporation and another .. Respondents

Mr. S. B. Shete, for the Petitioner.

Mr. A. B. Borkar, for the Respondent No.1.

Mr. Sunil Gangan a/w Mr. Jayesh Mestry i/by RMG Law Associates, for the Respondent No.2.

CORAM : R.M. SAVANT, J.
DATE : 10th SEPTEMBER, 2015

P.C.

1. The Writ Jurisdiction of this Court is invoked against the order dated 14.10.2014 passed by the Learned In charge 2nd Joint Civil Judge Senior Division, Kolhapur, by which order the application Exh.20 filed by the Petitioner was allowed to the extent mentioned in the impugned order. The said application Exh.20 was filed under Order 21 Rule 97, 100, 101 and Section 151 of the CPC. The Petitioner was the dealer of the Indian Oil Corporation and the decree in question is for handing over possession of the land on which the outlet is situated. The suit as originally filed is against the Oil Company i.e. Indian Oil Corporation. As indicated above, the application filed by the Petitioner as

a third party has been allowed to the extent mentioned in the impugned order. Prior thereto, pursuant to the possession warrant being issued in the execution proceedings, the possession has been handed over to the Decree Holder i.e. Respondent herein on 11.10.2014. The instant application Exh.20 was founded on the fact that in the outlet there is balance of petrol, diesel, machinery and other movable articles belonging to the Petitioner. The Executing Court accordingly granted time of one month from the date of the order i.e. 17.11.2014 by issuing directions to the Decree Holder to allow the Applicant to dispose of the balance petrol and diesel etc. The Learned Counsel appearing on behalf of the Petitioner states that the same has now been done and only some office material is remaining. The Learned Counsel appearing for the Decree Holder i.e. Respondents herein Mr. A. B. Borkar states that the same can be taken away by the Petitioner within one week by fixing a time convenient to both the parties. Hence, now there is no warrant to keep the above Petition pending, which accordingly to stand disposed of.

[R.M. SAVANT, J]

Certified to be true and correct copy of the original signed order.