

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.1041 OF 2015
IN
CHAMBER SUMMONS NO.38 OF 2015
IN
CHAMBER SUMMONS NO.2622 OF 2014**

Smt. Tarabai Soma Pujari & Ors.

...Petitioners

vs.

Suresh Vithal Shetty & Ors.

...Respondents

Mr. R. P. Oza i/b. Asit K. Singh for the Petitioners.

Mr. A. P. Khanduri for the Respondent Nos.1 and 2.

CORAM : R. M. SAVANT, J.

DATE : 23RD FEBRUARY, 2015.

PC. :-

The writ jurisdiction of this Court is invoked against the order dated 13th January, 2015 by which order the Chamber Summons No.38 of 2015 filed by the Petitioners, who are the Respondent Nos.2, 4 and 6 in the Execution Application No.111 of 2012 came to be rejected. The said Respondents are the obstructionists and the above Chamber Summons has been filed to direct the Plaintiff to provide his title deeds and other documents upon which he relied upon in the suit. The Executing Court has rejected the said application on the ground that the Executing Court cannot go behind the decree and enter into an investigation into the title of the plaintiffs.

2] In my view, having regard to the said reasons mentioned in the

impugned order, and also having regard to the fact that the Petitioner herein are the obstructionist no exception can be taken to the impugned order. No case for interference is, therefore, made out. The Writ Petition is accordingly dismissed. No costs.

(R. M. SAVANT, J.)

wadhwa