

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4183 OF 2015

Arjun Sitaram Kangude	..	Petitioner
vs.		
Mandakini Sitaram Oval		
(since deceased through legal heirs)		
Savita S. Sakpal & Ors.	..	Respondents

Mr. Nitin P. Deshpande for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 22 APRIL 2015

P.C. :-

1] This petition challenges the order dated 26 March 2015 made by the 29th Joint Civil Judge, Junior Division, Pune, dismissing the petitioner's application at Exhibit '19' objected to the execution of the decree, on the ground that there is some dispute as to the identity of the property against which execution is to be levied.

2] In order to establish the so-called dispute, reliance is placed upon the panchanama dated 10 February 2015.

3] The so-called dispute as to the identity of the property has been considered by the learned Civil Judge in the impugned order.

The so-called dispute is really not of much substance. The dispute pertains to description of one of the boundaries of the suit property. In this case, execution is required to be levied against the structure which has been described in paragraph 1 of the plaint. The panchnama does not really raise any dispute in that regard to the structure as such. One of the boundaries of the property, where the structure is situate i.e. towards Eastern boundary, there was reference to the house of one Rajveer. The panchnama now makes reference to the house of Rajveer towards the West.

4] In my judgment, the learned Civil Judge has rightly appreciated the facts and circumstances of the case and held that there is really no serious dispute with regard to the identity of the property, on the basis of aforesaid observations with regard to the boundary.

5] There is no jurisdictional error in the making of the impugned order. The decree which is being executed relates to the year 2010.

6] Accordingly, present petition is dismissed. There shall be no order as to costs.