

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9351 OF 2015

Shri Robert Emannel Alfred.] ... Petitioner

Versus

Shri Vidyadhar N. Powle.] ... Respondent

Mr. Vikas Kolekar i/b Mr. Dilip B. Shinde for Petitioner.
None for Respondent.

CORAM :- M. S. SONAK, J.
DATE :- SEPTEMBER 22, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**
2. This petition challenges order dated 19/09/2015, by which the Petitioner's obstruction vide Exh.30 to the execution of the eviction decree has been rejected.
3. The Executing Court, in the impugned order, has rightly observed that the original decree was confirmed by both the Appeal Court as well as the High Court. In the Appeal Court, upon the demise of the Petitioner's father, the Petitioner's mother and sister who were stated to be residing in the suit premises, had come on record. If

indeed, the Petitioner was residing in the suit premises, nothing prevented the Petitioner from pursuing the matter before the Appeal Court. In any case, the estate was sufficiently represented by the mother and the sister. The execution of the decree in question cannot, at this stage, be stalled on the ground that the Petitioner was not made a party in the proceedings before the Appeal Court.

4. There is no jurisdictional error in the making of the impugned order. Accordingly, there is no reason to entertain the present petition. The Writ Petition is therefore dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

CERTIFICATE

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