

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 492 OF 2015
IN
CIVIL REVISION APPLICATION NO. 416 OF 2014

Arvind S. Pednekar .. Applicant
vs.
Urmiladevi B. Chaurasiya and ors. .. Respondents

Ms Kavita Pawar for the Applicant.
Ms Pratibha Shelke h/f. Mr. P.J. Thorat for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 05 OCTOBER 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] The grievance of the Applicant is that despite statement made by the Respondents, which statement is recorded by this Court in its order dated 22 April 2015 that the Respondents will not execute the decree in respect of Room No.10, the Bailiff of the Small Causes Court (Executing Court) is proceeding to levy execution in respect of Room No.10.
- 3] The learned counsel for the Respondents rightly points out that an application of this nature cannot be made in Civil Revision Application, which is already been disposed of. Accordingly, considering the aforesaid circumstance, liberty is granted to the

Applicant to apply the Small Causes Court and urge that the execution of decree shall not take place in respect of Room No.10, in terms of the statement made by the Respondents, which statement has been recorded in the order dated 22 April 2015.

4] The learned counsel for the Applicant states that such application will be filed before the Small Causes Court on or before 9 October 2015 and notice of such application shall also be served upon the Respondents. If such application is filed, the Small Causes Court to consider and dispose of the same on its own merits and in accordance with law, as expeditiously as possible and in any case within a period of four weeks from the date of such application is filed. Until such application is disposed of, there shall be a stay upon execution of decree in respect of Room No.10.

5] The Civil Application is disposed of in the aforesaid terms. It is however, made clear that the execution proceedings can go on in respect of Room No.7.

6] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)

CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**