

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Revision Application No.52/2014
(Prabhakar Vithoba Nahale .vs. Shamrao Waktu Nahale)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. S.K. Thengri, Advocate for Applicant.
Mr. M.D. Chikhate, Advocate for L.Rs. of N.A. No.2.

CORAM : A.V. Nirgude, J.
DATED : April 07, 2015.

Heard.

This revision challenges the order below Exh.25 in Regular Darkhast No.14/2012 passed on 18.4.2014. The applicant is one of the judgment debtors against whom a decree for partition and mesne profit has been passed. The respondent/decreed-holder is taking steps for executing the decree. Many steps are taken. The decree is sent to Revenue Officer for division of the suit lands by metes and bounds. On the other hand, the decree-holder also succeeded in getting mesne profit quantified. The mesne profit inquiry is now pending before the appellate Court.

The present application is moved before the Execution Court on the ground that in the mesne profit inquiry one of the respondents died and her legal representatives were not brought on record and, therefore, the inquiry had abated etc. On this ground, the applicant/judgment-debtor thought that he should stop the execution of the decree. The learned Judge rightly rejected this application. It is obvious that

whatever is happening in mesne profit has nothing to do with the present work which is being done in a Regular Darkhast. Revision stands dismissed.

JUDGE

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