

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

CRA No. 20 of 2015
Keshaorao v. Smt Sumitra and ors

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

Court's or Judge's orders.

Mr Anand Deshpande, Adv for applicant

CORAM : A. V. NIRGUDE, J

DATED : 6th April 2015

1. Heard learned counsel for the applicant. Perused application on which impugned order was passed. The objection raised by the applicant/judgment-debtor is frivolous. It is based on certain directions given by this Court in Civil Revision Application No. 989 of 2000 which was decided in 2001.

2. The facts leading to the filing of this revision application are as under :

Way back in 1991, decree for partition and separate possession in respect of agricultural land was passed in favour of respondent/decreed-holder. Appeal against that decree was dismissed in 2004. Despite of this, the learned Judge of the trial Court did not send decree for execution as expected by Order XX, rule 18 of the Code of Civil Procedure. In 2008, for the first time, it was decree-holder who came to the Court and made such request. Now, the judgment-debtor says

through objection that such application ought to have been decided within one month and if it was not done, the entire proceeding now amounts to abuse to the process of law.

3. This objection is irrelevant and frivolous. There is indeed delay on the part of decree-holder to start execution of decree in question. An objection was raised previously by the applicant/judgment-debtor that the execution was time barred etc., but this Court held that the proceedings should continue and are not time-barred. If thereafter the present application was moved, the application was unnecessary and in fact, amounted to abuse of process of the Court.

4. Revision Application stands dismissed.

JUDGE

joshi