

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11261 of 2015

Hari S/o Limbaji Sarode
and others.

... Petitioners.

Versus

Sukharm S/o Tukaram Sarode
and another.

... Respondents.

...

Mr.S.M.Pandit, Advocate for Petitioners.

...

CORAM : P.R. BORA, J.
Dated : January 19, 2016

...

PER COURT:-

1) Heard the learned Counsel appearing for the petitioners. Petitioners have raised challenge to the order dated 03.12.2014 passed by the Civil Judge, Junior Division, Jafrabad below Exhibit 34 in Regular Darkhast No.35/2006.

2) The learned Counsel appearing for the petitioners submits that, the learned trial Court has failed in appreciating that the decree is ambiguous, and hence un-enforceable. Learned Counsel further submitted that, the trial Court has erred in observing that, the issues raised in

the application at exhibit 34 by the judgment debtors have been already dealt with and decided by the competent Court.

3) I have carefully perused the application at Exhibit 34 preferred by the present petitioners before the executing Court, and the order passed below the said application, which has been impugned in the present petition. In the impugned order, the learned trial Court has dealt with all the objections raised by the judgment debtors in the application filed at Exhibit 34. The impugned order reveals that, the issues raised by the judgment debtors in the application at Exhibit 34 were raised by them in the original suit as well as in the appeal, and all these issues have been finally decided on merits. Nothing has been brought to my notice so as to take a different or a contrary view than that has been taken by the learned trial Court while passing the impugned order. The writ petition is thus devoid of any substance. I am therefore not inclined to entertain the petition. Hence, following order.

. The Writ Petition is rejected.

(P.R.BORA, J.)