

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

WRIT PETITION NO. 2027 OF 2016

Maimunabai w/o Shaikh Ismail .. Petitioner

vs

1. Malanbai w/o Kisanrao Savle, since
deceased, through legal representatives:

1A Ravindra Kishan Salve and others .. Respondents

Mr. P. R. Katneshwarkar, Advocate for the petitioner

Mr. A. S. Deshmukh, Advocate h/f Mr. K. B. Dantol, Advocate for
respondents no. 1A to 1D

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6TH APRIL, 2016

ORDER :

1. Aggrieved by order of rejection of Exhibit – 60 in regular
darkhast No. 21 of 2002, dated 06-01-2016 passed by Joint Civil
Judge, Junior Division, Paithan, purported objection petitioner is
before this court.

2. It is contended on behalf of the petitioner that although in
the decree it has been directed that in the partition the share
coming to defendants no. 1 and 2 be given to defendants no. 3 to
5 and preliminary decree has been directed to be drawn
accordingly, yet the same, it is apprehended, would not be adhered
to. Petition has been moved by purported objector who is purchaser

during pendency of execution proceedings from original defendant no. 5.

3. Having regard to the contents of application Exhibit-60, the executing court has considered the case and has discussed in paragraphs 7 and 8 of the order, and quite relevantly, the events as have occurred after the decree had been passed. The reasons as are appearing for rejection of Exhibit-60 do not appear to be erroneous or in any way untenable having regard to the facts and circumstances.

4. As such, having regard to that the petitioner is a purchaser during proceedings for execution of decree from defendant no. 5 who is judgment debtor, application has been rightly discarded from being considered and proceeded with.

5. Writ petition as such is being not entertained and is rejected.

6. At this stage, learned counsel for petitioner submits that the petitioner has filed some proceedings before the Collector and that he would prosecute the same and further that the interim relief as had been granted by the executing court had been continued by this court and as such requests that for a period of fortnight the interim relief may be continued.

7. In the circumstances, the interim relief as had been operating would continue to operate for a period of fortnight from today with

clarification that the same would be operative only in respect of gut no.163/2 and would not apply to execution of decree in respect of other gut numbers.

SUNIL P. DESHMUKH,
JUDGE

pnd