

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

915 WRIT PETITION NO. 11319 OF 2016

SK NAZIR SK BASHEER
VERSUS
KISAN GANPAT KALE

...
Advocate for Petitioner : Naik Santosh S.

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CORAM : T.V. NALAWADE, J.
DATED : 20th December, 2016.

ORDER :

1. The petition is filed to challenge the order made in Regular Darkhast No. 26/2006, presently pending in the Court of Civil Judge, Junior Division, Sillod. The application was moved for framing issue of executability of decree and that application is rejected. The issue is already framed for deciding the objection. Due to that issue, the applicant is expected to show that he has interest in the property in respect of which decree is given of possession.

2. The decree of possession is given in respect of some portion, portion of 40 ft. x 30 ft. from Gat No. 566. Present petitioner, who has filed objection, claims to be owner of Gat Nos. 10 and 11. It is his case that the suit property is apparently Plot Nos. 25 and 26 of Gat Nos. 10 and 11. It can be said that

decree is not given in respect of portion of Gat Nos. 10 and 11. Care can be taken at the time of execution of decree to see that the portion from Gat No. 566 is only given in possession of the decree holder and Gat Nos. 10 and 11 are not touched. This can be done by appointing T.I.L.R. at the cost of decree holder as decree holder is not owner and he is claiming to be having right as licensee or lessee over the Government land. By doing this both the sides can be protected. With these observation, the proceeding is disposed of.

[T.V. NALAWADE, J.]

ssc/