

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9974 of 2015

ASHOK NAVNATH MANE AND ANOTHER
VERSUS
CHATURABAI HARISHCHANDRA PATIL AND OTHERS

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Advocate for Petitioners : Mr. Deshpande C.R.

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CORAM : R. M. BORDE, J.

Date: January 18, 2016

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PER COURT :-

1 The petitioner is objecting to the order passed by the Joint Civil Judge, Junior Division, Latur in M.A. (R.J.E.) No.434 of 2012 whereby the order dated 15.9.2008 in RD No.28/06 passed by the 2nd Civil Judge, Junior Division is called back. The Court has also ordered to call back the letter / percept dated 28.1.2009 issued in R.D.No.28 of 2006.

2 The petitioner claims rights independently, in view of the Agreement arrived at between him on one hand and the Judgment debtor on the other hand. The petitioner claims that, his right and entitlements are affected in view of the order impugned in this

petition.

3 It is not a matter of dispute that, the petitioner is neither party to the suit, nor to the execution proceedings, which are pending in the executing Court. The petitioner claims that, some rights are accrued in his favour, in view of the agreement arrived at between the parties. The order passed in the Execution Proceedings obviously will not bind the petitioner, since he is not party to the said proceedings and he claims his right independently on the basis of agreement arrived at between the parties.

4 It would be open for the petitioner to enforce the terms of agreement and protect his interest by taking recourse to the provisions of law, if permissible.

5 With liberty as aforesaid, writ petition is disposed of.

(R. M. BORDE, J.)