

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

17 WRIT PETITION NO. 9263 OF 2016

ANJALI BAPU MANE
VERSUS
MATHURABAI SURYABHAN DANGE AND ANOTHER

...
Advocate for Petitioner : Shirsath P.B.

...

18 WRIT PETITION NO. 9273 OF 2016

ANJALI BAPU MANE
VERSUS
JAISING RANGNATH JAWAK AND ANOTHER

...
Advocate for Petitioner : Shirsath P.B.
Advocate for Respondent 1 : N.V. Gaware

...

CORAM : T.V. NALAWADE, J.
DATED : 26th September, 2016.

ORDER :

1. In the first proceeding, the learned counsel for petitioner is heard. In the second proceeding, the learned counsel for petitioner and learned counsel Shri. Gaware is heard, who appeared for respondent No. 1.

2. The petitions are filed to challenge the orders made by Executing Court on Exh. 21 in Darkhast No. 38/2013 presently pending in the Court of Civil Judge, Senior Division, Shrigonda and on Exh. 32 in Darkhast No. 7/2010 pending in the same

Court.

3. It is the grievance of the petitioner that in the suit the properties were described by giving house numbers like in first proceeding house No. 380/2 (present number 466) situated at Kaikadi Galli and in second proceeding the property was described as house No. 380/3 (present No. 56/2) situated at Kaikadi Galli. This property was purchased by plaintiffs of the two suits from the same person viz. Baba Mahadu Mane in the year 1988. Decree is given of mandatory injunction and direction is given to defendants to remove some construction made by them over the property of plaintiffs.

4. The present petitioner has come with the case that she has purchased some portions from the purchaser from Baba Mahadu Mane during pendency of aforesaid suits. It is her grievance that the property sold to her is described as Survey Nos. 1269 and 1270 and they were not involved in the aforesaid two suits viz. R.C.S. Nos. 112/2001 and 113/2001. In view of the nature of dispute, the dispute can be solved, if Executing Court ascertains that the house numbers mentioned in the plaint corresponds to the aforesaid two city survey numbers. The executing Court is expected to ascertain as to whether the same

property is involved in the suit and after that further orders can be made. In those terms both the petitions are disposed of. Both the sides are to appear before the executing Court on 10.10.2016.

5. Authenticated copy is allowed to both the sides.

[T.V. NALAWADE, J.]

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