

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 8545 OF 2016

Chandraprakash Chandanlal Kuril	.. Petitioner
<i>Vs.</i>	
Smt.Radhabai W/o. Krishna Sawant & ors.	.. Respondents
<i>And</i>	
Malini Narayan Chavan nee Ahilya	
Ramchandra Sawant	.. Respondent / org. Obstructionist No.1

Mr.Rohan Savant h/f Mr.Akhlaque M.S.Solkari, for Petitioner.
Mr.Mohan M.Dhamal, for Respondent No.1.

***CORAM : N.M.Jamdar, J.
Tuesday, 30 August 2016.***

P.C. :

Not on board. Taken on production board by way of praecipe.

2. By this petition, the Petitioner challenges the order dated 7 January 2016 passed by the City Civil Court, Judge rejecting the unregistered Notice of Motion taken out by the Petitioner in the execution proceedings.

3. Heard learned counsel for the parties. Decree is of the year 1979. Execution proceedings are pending since the year 1999. The

order was passed against the Petitioner - Obstructionist on 14 February 2013 to proceed with Obstructionist proceedings without evidence. Thereafter the Notice of Motion was sought to be tendered after delay of 1030 days to recall the order. The learned City Civil Court Judge after considering the position on record came to the conclusion that the Petitioner is only interested in somehow delaying the execution of the decree has rejected the Notice of Motion.

4. The Petitioner filed an Appeal from Order which was withdrawn on 21 March 2016. Thereafter the present Petition is filed in April 2016 and is moved for seeking urgent orders today on the ground that the Execution proceedings are kept tomorrow. If above mentioned dates are seen what emerges is a complete abuse of process of law by the Petitioner. The decree of the year 1979 cannot be stalled in such manner. There is absolutely no explanation of delay of 1030 days. No indulgence can be shown to the Petitioner under Article 227 of Constitution of India. Writ Petition is accordingly rejected.

(N.M.Jamdar, J.)