

*Sequeira*

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

***WRIT PETITION NO. 7400 OF 2014***

Shri Devidas Dattu Jadhav & ors.

.. Petitioners

Vs.

Shri Khandu Rama Dugje & ors.

.. Respondents

Mr.Girish Agrawal, for Petitioners.

***CORAM : N.M.Jamdar, J.  
Wednesday, 24 August 2016.***

***P.C. :***

The Petitioner challenges order dated 16 April 2013 passed by Civil Judge Junior Division Dindori Nashik in Regular Darkhast No.12 of 2008. Though the learned counsel for the Petitioner - decree holder submits that by the impugned order the objection raised by the obstructionist has been allowed but reading of the impugned order does not state so. All that the learned Civil Judge has done is to post the matter for hearing in view of the obstruction raised by the obstructionist Nos.1 to 5. The learned counsel for the Petitioner submitted that these obstructionist have no independent right. This may be the position but when obstruction is raised, the learned Judge will have to follow the procedure which is laid down which is infact what the learned Judge has done. In the

impugned order the learned Judge has also noted that the Darkhast is of the year 2008 and short dates should be given. It is informed that after the impugned order darkhast proceedings have not proceeded further.

2. In view of the above position where learned Judge has simply adjourned the proceedings to follow the procedure, it is not necessary to interfere with the impugned order. If the Darkhast proceedings are not yet completed then learned Civil Judge will decide the objection raised by the obstructionist as early as possible within four months from today as prima facie the grievance made by the Petitioner that the obstructionists are only family members of the Judgment Debtor and have no independent rights, seems to be justified. Writ Petition accordingly stands disposed of.

*(N.M.Jamdar, J.)*