

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

WRIT PETITION NO. 2825 OF 2016

Sou. Begum Kamal Dhale

.... Petitioner

Versus

Shri Imtiyaj Gafar Mulla

.... Respondent

M. L. Patil for petitioner.

P. D. Pise for Respondent.

***CORAM : N. M. Jamdar J.
Monday 24 October 2016***

P.C.

. The learned Counsel for the parties have sought to advance various contentions in respect of the merits of the adjudication leading to the passing of a decree. In view of the fact that after the suit has been decreed, no appeal has been filed by the petitioner and therefore the petitioner is bound by the decree passed against the petitioner. The grievance of the learned Counsel for petitioner is that the executing Court is proceeding to execute the decree beyond what is stated in the decree. He submitted that property has been described in the plaint and suit has been decreed in respect of the property described in the plaint and therefore the executing Court cannot travel beyond the decree.

2. The learned Counsel for the respondent submits that the respondent is proceeding to execute a decree in respect of the property described in the plaint only. In view of this statement and the settled position of law that the execution can only be in respect of the property described in plaint, no further orders are required to be passed.

3. With this clarification, the Writ Petition is disposed of.

(N. M. Jamdar, J.)