

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL REVISION APPLICATION NO.134 OF 2015

(Shri Hemantkumar Gulabrao Mahanande and others ..vs.. Shri Mahadeo s/o Ramji Chilbule and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 05-10-2016

This civil revision application is filed on 27-07-2015. The civil revision application was dismissed as office objections were not removed. By the order dated 30-10-2015, the civil revision application was restored.

2. The civil revision application was adjourned on 22-03-2016, 12-04-2016, 26-04-2016, 05-07-2016 and 19-07-2016 on request on behalf of the applicants. None appeared for the applicants on 26-07-2016. None appeared for the applicants in the morning session. The matter was kept back. Again in the afternoon session none appeared for the applicants.

3. The applicants have challenged the order passed by the executing Court rejecting the application (Exhibit No.55) filed by them under Section 47 of the Code of Civil Procedure. By the application (Exhibit No.55) the applicants sought directions to the decree-holder to

vacate the excess portion of land which was allegedly handed over to the decree holder while executing the decree. According to the applicants, some portion of land out of Survey No.2381 is given in possession of the decree-holder while executing the decree which was in respect of land from Survey no.2380. The executing Court has recorded that Survey No.2381 was not the subject matter of civil suit decreed in favour of the decree-holder and therefore, the claim of the applicants cannot be considered under Section 47 of the Code of Civil Procedure. It is further recorded that the applicants have not been able to substantiate their grievance. I see no reason to interfere with the findings recorded by the executing Court.

The civil revision application is dismissed. No costs.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 06-10-2016.

P.A. to Hon'ble Judge.