

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 356 OF 2015

Ankush Arun Kale .. Petitioner
Versus
Sanjay Chandrakant Ghute and others .. Respondents

Shri P. S. Chavan, Advocate for the Petitioner.
Shri S. G. Chapalgaonkar, Advocate for Respondent Nos. 1 to 4.
Shri P. C. Mayure, Advocate for the Respondent No. 7.
The Respondent Nos. 5 and 6 are served.

CORAM : S. V. GANGAPURWALA, J.
DATE : 13TH DECEMBER, 2017.

FINAL ORDER :

. The present petitioner has filed an objection in the execution proceedings filed by present respondent Nos. 1 to 4. The respondent Nos. 1 to 4 had filed execution petition for execution of the decree passed in their favour. Along with objection petition, the petitioner also filed an application for stay. Said application is rejected. Aggrieved thereby present petition.

2. Mr. Chavan, the learned advocate for the petitioner submits that, though he is purchaser pendent-lite, the decree is a collusive decree. As such, he has right to raise an objection to the execution proceeding, as the petitioner was put in possession of the property.

3. Mr. Chapalgaonkar, the learned advocate for original decree holders submits that, in execution proceedings possession of the

suit property has been handed over to the decree holders and the decree holders are in possession of the property.

4. This Court on 14.01.2015 had directed the litigating parties to maintain status quo as existing on the said date.

5. Whether the decree is collusive or not, so also rights of the petitioner to file objection, all these questions are to be decided while deciding objection petition. This Court has directed the parties to maintain status quo under order dated 14.01.2015. Said order is in force for almost two and half years. It would be appropriate for the executing Court to decide the objection filed by the petitioner.

6. In the light of the above, I pass following order.

7. Executing Court shall decide the objection filed by the petitioner on its own merits, expeditiously and preferably within a period of seven (07) months from today. The parties shall co-operate in expeditious disposal of the execution petition. Till the objection petition filed by the petitioner is decided, the interim order passed by this Court on 14.01.2015 shall continue. The writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]