

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

WRIT PETITION NO. 1636 OF 2017

Babu s/o Gopal Gaware

.. **PETITIONER**

VERSUS

Sheshrao s/o Ganpati Gaware

.. **RESPONDENT**

Mr. T.M. Venjane, advocate for petitioner.

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CORAM : S. B. SHUKRE, J.

DATE : 3rd FEBRUARY, 2017.

PER COURT :

1. Heard.
2. On perusal of the imugned order dated 15th December, 2016, I see no illegality nor any arbitrariness therein.
3. Learned counsel for petitioner has submitted that inspite of specific mention in the application vide Exh. 188 that the order dated 10th February, 2015, so far as measurement to be carried out by TILR, Nilanga is concerned, was not carried out and therefore, decree could not be executed. But, on going through the application, no reference in this regard is found to be made. In the entire application, the judgment debtor has not mentioned that the order dated 10th February, 2015, has not been carried out by the Executing Court. There is also no prayer made in the application that first this order be implemented. Therefore, I see no merit in this petition and it deserves to be dismissed summarily for failing to mention

material facts in the application and for trying to make out a case that those facts were mentioned in the application vide Exh. 188. I am also of the view that cost of Rs. 500/- is required to be imposed upon the petitioner.

4. Writ petition is dismissed with cost of Rs. 500/- to be deposited in the account of High Court Legal Services Sub-Committee, Aurangabad, within two weeks from the date of the order.

(S. B. SHUKRE)
JUDGE

dyb