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

CIVIL REVISION APPLICATION NO.191 OF 2014

Pandurang Vithal Kolhe,
Age: 49 years, Occ: Agri.,
R/o. Loni Haveli, Taluka Parner,
District Ahmednagar. ..APPLICANT

VERSUS

1. Smt. Badabai @ Laxmibai w/o
Keshav Kolhe,
Age: 53 years, Occ: Labourer,
R/o. Rangnath Hari Sathey,
At and Post-Hanga,
Tal. Parner, Dist. Ahmednagar.
2. Sahaji Vithal Kolhe,
Age: 54 years, Occ: Agri.,
R/o. Loni Haveli,
Tal. Parner, Dist. Ahmednagar. ..RESPONDENTS

Mr A.D. Sugdare, Advocate for applicant;
Mr Amol S. Sawant, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th JULY, 2017

ORAL ORDER :

In Regular Darkhast No. 28 of 2005
initiated for executing decree for maintenance
passed in Regular Civil Suit No. 419 of 2000. This
Court in Second Appeal No. 177 of 2007 by making

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modification directed Shahaji Vitthal Kolhe and Pandurang Vitthal Kolhe to pay maintenance to the decree holder. The said copy of the decree passed in the second appeal is at Exhibit-65.

2. Having noticed modification as ordered by this Court in the second appeal, present applicant was directed to be added as judgment debtor based on the cognizance taken by the executing Court of the modified decree in Second Appeal No. 177 of 2007, which is questioned herein.

3. Learned Counsel for the applicant submits that the Court ought not to have suo motu exercise powers and as such, impugned order is illegal.

4. Once the fact that this Court in Second Appeal No. 177 of 2007 has modified the decree with observations that the amount of maintenance should also be recovered from the applicant, in my opinion, having taken judicial note of the said fact that executing Court was right in passing the

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impugned order. No illegality or failure to exercise jurisdiction is notice. As such, civil revision application lacks merit, stands rejected.

(N.W. SAMBRE, J.)

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