

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

WRIT PETITION NO. 9507 OF 2015

NISHIKANT WAMANRAO KOLTE AND OTHERS
VERSUS
PUNDLIK MANGO BHOLE AND ANOTHER

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Advocate for Petitioners : Mr Talhar Ajay G.
Advocate for Respondents 1,2 : Mr Kulkarni Sanket S.

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CORAM : V.K. JADHAV, J.

Dated: November 01, 2017

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PER COURT :-

1. Learned counsel for the petitioners submits that, though, the lower appellate court has observed in paragraph no.4 of the impugned order below exh.1 and 5 in Civil M.A. No.4/2015 to the effect that respondents-original defendants have tried their level best to avoid the summonses and notices of the execution petition and that they have no regard to the court orders, condoned the delay of 615 days occurred in filing of the appeal against judgment and decree dated 30.4.2013 passed in Special Civil Suit No.230/1999. Learned counsel submits that, in the light of the above observations, respondents are not entitled for equitable

relief.

2. Learned counsel for respondents submits that, lower appellate court has also observed in paragraph no.6 of the impugned order that, respondents have put their appearance in Special execution petition No.37/2014 and they have filed undertaking that they would not dispose of the remaining suit plots. Learned counsel submits that, even hearing of the said appeal is going on and matter is at present part heard.

3. In view of the above, I do not find any reason to interfere in the impugned order passed by the learned District Judge-1, Bhusawal. Writ petition is accordingly disposed of.

sd/-
(**V.K. JADHAV, J.**)

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aaa/-