

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

WRIT PETITION NO. 12342 OF 2017

SHIVAJI GORAKSHANATH RAUNDAL
VERSUS
SARASWATIBAI VIKRAM THOMBAL DIED LRS VIKRAM
NANA THOMBAL AND OTHERS

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Advocate for Petitioner : Mr Jayabhar Dattatraya R.

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CORAM : V.K. JADHAV, J.
Dated: November 06, 2017

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PER COURT :-

1. I do not find any substance in the writ petition. Being aggrieved by the order passed by the Executing Court below Exh.60 in R.D. No.6/2007, the petitioner-original judgment debtor has preferred this writ petition.

2. Pursuant to the judgment and decree passed in R.C.S. No.354/2005, the respondent/Decree Holder has filed said R.D.No.6/2007. Said decree passed in R.C.S. No.354/2005 has attained finality. In terms of the said decree, sale-deed came to be executed in favour of the Decree Holder through the Court, however, the decree holder has filed aforesaid Regular Darkhast for delivery

of possession. Even though, initially as per the order passed below exh.20 and 42 possession warrant was issued, said warrant could not be executed due to some technical flaws. Consequently, the executing court has directed the Deputy Superintendent of Land Records to submit the report and accordingly said office has carried out the measurement and submitted the report alongwith map Exh.41. The petitioner-Judgment Debtor has never objected the said report and map submitted by the Deputy Superintendent of Land Records. Consequently, on the application exh.60 the learned Judge of the Executing Court has passed the order and accordingly possession warrant has been issued. The executing court has taken every care including the damage if caused to the standing crop at the time of delivery of possession. I do not find any fault in the impugned order. There is no substance in the writ petition. Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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