

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

WRIT PETITION NO. 12010 OF 2016

Abdul Mubeen Abdul Rahim Qureshi

..PETITIONER

VERSUS

Ramesh Kandu Dahge and Others

..RESPONDENT

....

Mr. S.S. Kazi, Advocate for petitioner.

Mr. S.R. Shirsat, Advocate for Respondent No.2.

....

CORAM : S.B. SHUKRE, J.

DATED : 20th MARCH, 2017

ORDER :

1. Heard.

2. By this petition, the order dated 24th October, 2016 passed by the learned Joint Civil Judge, Junior Division, Beed has been questioned.

2. The objection taken by this petitioner is that the property bearing House No. 3-2-147, C.T.S. No.7916 is being erroneously delivered to the decree holder because he is in possession of this property as tenant and is running the business of mutton shop, which is the only source of his livelihood.

3. The objection is not, as sought to be contended by learned Counsel for petitioner that the petitioner is in possession of some different property and the decree is being executed against the different property. Therefore, I do not think that there is any illegality or arbitrariness committed by the learned Joint Civil Judge in rejecting the application viz. Exhibit 124 by the impugned order. In fact, the matter has attained finality when the Hon'ble Apex Court disposed of the Special Leave Petition No. 1939 of 2016 on 01st August, 2016. It would be advisable for the petitioner to peacefully vacate the suit property and show his respect for the law. There is no merit in this petition. Writ petition stands dismissed summarily with costs.

(S.B. SHUKRE, J.)

SSD