

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3370 OF 2015

Shankar s/o Bhagwan Jadhav

Petitioner

Versus

Narayan s/o Natha Bhavar & others

Respondents

Mr.S.S.Patunkar, advocate for the petitioner

CORAM : S.B.SHUKRE, J.

DATE : 08th February, 2017

PER COURT:

1 This petition has been filed on 22.12.2014 challenging the order dated 17.12.2013. Nothing has been mentioned in the petition, by way of any explanation, as to why for almost one year, the petitioner sat idle and became a mute witness to execution of decree. One does not understand as to why, at the last stage of execution of the decree, while ignoring all the while the happenings in the execution proceedings including measurements being taken by the Court Commissioner of the property claimed to be in possession of the petitioner, the petitioner did not chose to knock at the doors of justice. The conduct of the petitioner, in causing inordinate delay in approaching this Court, has resulted in settling the rights in favour of the judgment debtor and at this stage, such petitioner could not be granted hearing.

2 It is the contention of the petitioner that he has filed Civil Suit seeking a declaration that the decree, execution of which has been sought to be stalled in this petition, is not binding upon

him and this suit is pending for consideration. Thus, it would mean that, in that suit also, the petitioner can seek appropriate relief.

3 I, therefore, find that this petition is not maintainable on account of unexplained latches and it is dismissed summarily.

S.B.SHUKRE
JUDGE

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