

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

WRIT PETITION NO.12839 OF 2016

Gangasagar @ Gangubai w/o Uttam Nikam
and others ... PETITIONERS

VERSUS

Hausabai w/o Ragnath Kadam, Died L.Rs.
Sominath s/o Ragnath Kadam & ors. ... RESPONDENTS

.....
Shri P.R. Katneshwarkar, Advocate for petitioners
Shri V.M. Maney, Advocate for R.Nos.1, 2, 4, 7 to 9
.....

CORAM: S. B. SHUKRE, J.

DATED: 1st February, 2017.

ORAL ORDER :

1. Heard learned counsel for the petitioners and learned counsel for respondents. After hearing both sides, what emerges is that, the objection petition filed by the petitioners is pending adjudication by the Executing Court. By this objection petition, the petitioners have raised a serious objection to the enforcement of the decree, claiming that the petitioners are in lawful possession of the decretal property and that they were not joined as party defendants to the suit. If such an objection has

been taken by the petitioners, propriety would demand that the warrant of possession of the decretal property is not executed pending decision on the objection petition.

2. In this view of the matter, I am of the view that, purposes of this petition shall be served by giving following directions.

3. The objection petition filed by the petitioners shall be finally heard and disposed of in accordance with law by the Executing Court after giving reasonable opportunity of hearing to both the sides as expeditiously as possible and preferably within two months from the date of appearance of the parties. Parties shall appear before the Executing Court on 3rd February 2017. The warrant of possession, till the objection petition is finally disposed of, shall not be executed.

4. The writ petition is disposed of in above terms.

(S. B. SHUKRE)
JUDGE