

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.8351 OF 2017**

Sou Lata Haridas Bagawade & Anr

..Petitioners

Vs.

Shri Ganeshdas Kisandas Pardeshi & Ors

..Respondents

Mr. Umesh Mankapure for the Petitioner

**Mr. Sanjeev Punalkar a/w Mrs. Leena Sawant i/b Mr. Haridas G. Shukla
for the Respondent No.1**

CORAM : R. M. SAVANT, J.

DATE : 6th APRIL, 2017

P.C.

1 The above Writ Petition takes exception to the order dated 1-7-2016 passed on Exhibit 26 in Special Darkhast No.6 of 2015 as also the order dated 22-11-2016 passed below Exhibits 36 and 46 in the said Special Darkhast No.6 of 2015 passed by the Learned Civil Judge Junior Division, Solapur.

2 It seems that the Petitioners herein who are objectors to the execution proceedings were not present before the Court when the order dated 1-7-2016 came to be passed on Exhibit 26 filed by them. The Executing Court has further observed that inspite of reasonable time and chances being granted, the objectors have failed to show any irregularities in the execution proceedings.

3 In my view therefore, the order dated 1-7-2016 and 22-11-2016 do not merit any interference at the hands of this Court in its Writ Jurisdiction. However, it would be open for the Petitioner notwithstanding the rejection of Exhibit 26 to raise such objections as are permissible in law to the execution of the decree. If any such objections are raised by an application that may be filed by the Petitioner, the Executing Court may consider the same on its own merits and in accordance with law. The fact that the possession has been taken and the sale being executed in favour of the decree holder, would not come in the way of the objector from prosecuting any such application.

4 With the aforesaid observations, the Writ Petition is disposed of.

[R.M.SAVANT, J]