

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1392 OF 2017

Songya Ganpat Tare	...	Petitioner
Vs.		
Balaram Shripat Tare and others	...	Respondents

Mr. J. M. Puranik for Petitioner.
Mr. Amol P. Mhatre for Respondents No.1 to 9.
Ms Vaishali Nimbalkar, AGP for Respondents No.10 to 13.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 13, 2017

P.C. :

Heard Mr.Puranik, learned Counsel for petitioner and Mr. Mhatre, learned Counsel for respondents No.1 to 9 and Ms Nimbalkar, learned AGP for respondents No.10 to 13 at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner, hereinafter referred to as 'judgment debtor No.1', has challenged the judgment and order dated 29.03.2016 passed by the learned Civil Judge, Junior Division, Bhiwandi below exhibit-137 in Regular Darkhast No.44 of 2002. By that order, the learned trial Judge allowed the application made by the judgment debtors No.2 to 6/3 and directed Collector / Tahsildar to complete the remaining proceedings of partition which is sent to them as per the order dated 29.03.2014 below exhibit-99 as per the partition chart submitted by T.I.L.R., Bhiwandi and submitted its final report before that Court within two months from the receipt of the letter of the Court.

3. In support of this Petition, Mr. Puranik has reiterated the submissions that were advanced before the Executing Court.

4. On the other hand, Mr. Mhatre supported the impugned order.

5. I have considered the rival submissions advanced by the learned Counsel appearing for the parties. I have also perused the material on record. For the reasons recorded in paragraph 5 of the impugned order, no case is made out for interfering with the impugned order more so when by separate order passed today in Writ Petition No.14306 of 2016, I have repelled the contentions raised by judgment debtor No.1 challenging the order dated 07.03.2016 below exhibit-146. Hence, Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab