

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.363 OF 2016

Chotu Kallu Rehman and others	... Applicants
v/s	
Shakkel Ahmed Iqbal Ahmed Wasif and others	... Respondents

Mr Mukesh Vashi with Ms Aparna Deodhar i/b M/s M.P. Vashi and Associates for Applicants.
Mr N.R. Bubna for Respondents.

CORAM : B.P. COLABAWALLA, J.

DATE : JUNE 12, 2017

P.C.:

1. Though this Civil Revision Application is shown on board 'For Circulation', it is heard finally.

2. This Civil Revision Application has been filed on behalf of 43 Applicants who were the original obstructionists before the Lower Court, which was the Executing Court. In this Civil Revision Application, the Applicants seek quashing of the judgment and order dated 21st March 2016 passed in Civil Appeal No.110 of 2014. For

the purposes of deciding this Civil Revision Application, I need not go into the facts in detail, especially considering the submission made by Mr Vashi, learned Senior Counsel appearing on behalf of the Applicants. The basic contention raised before me by Mr Vashi was that the suit property has been described at page 16 of the paper-book as under :-

“The premises consisting of ground floor on C.T.S. No.1495/B/1 out of R.S.No.3A/2, admeasuring 210 feet x 90 feet situated in Islampura Ward, Malegaon.”

However, under the guise of this decree, the Applicants are sought to be evicted who claim to be occupants of some other property.

3. M Bubna, learned counsel appearing on behalf of the Respondents, on the other hand, contended that if this is the grievance made by the Applicants, he is willing to clarify and make a statement that the decree passed in R.C.S. No.325 of 1984 shall be strictly complied with and shall be executed only against the suit property described hereinabove. I must mention here that the suit property is situated on C.T.S. No.1495/B/1 whereas the Applicants

claim to be occupants on C.T.S. No.1495A. Considering the statement made Mr Bubna, this Civil Revision application can be disposed of in view of the aforesaid statement and with a direction to the Executing Court to ensure that the decree passed in R.C.S. No.325 of 1984 is executed against the suit property described hereinabove.

4. Civil Revision Application is accordingly disposed of.

(B.P. COLABAWALLA, J.)