

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7113 OF 2017

Patangrao Appasaheb Chavan & Anr.	... Petitioners
Vs.	
Babutai Appasaheb Bhosale & ors.	... Respondents

Mr.Vikas Kolekar for the Petitioners

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JUNE 29, 2017**

P.C. :

1. The petition is directed against the order dated 19.6.2017 passed below exhibit 99 in the Darkhast proceedings No.1 of 2003. The Suit i.e., R.C.S. No.63 of 2008 for possession is decreed. The order is one line which reads "Reissue possession warrant as prayed on P.F." (DF).
2. It is submitted by the learned Counsel for the petitioners that the petitioners have moved an application before the Executing Court as nearly 9 out of 26 judgment debtors have expired and their legal representatives are to be taken on record. However, without considering this aspect, the Executing Court has issued possession warrant and hence, it is to be stayed.

3. Perused the papers produced herewith. It appears that the Court has not considered this application because no proof of death of persons is produced and the Court has rightly issued the possession warrant. In my view, therefore, no interference is required with the same. Accordingly, the petition is rejected.

(MRIDULA BHATKAR, J.)