

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**JUDGES ORDR NO. 226 OF 2017
IN
EXECUTION APPLICATION NO. 325 OF 2017
IN
DISPUTE NO. 220 OF 1998**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Dr. Pawan K. Pandey i/by. Clayderman & Co. for
Decree Holder.

**CORAM : K. K. TATED, J.
DATE : NOVEMBER 22, 2017**

P.C.:

. Heard learned Counsel for Decree Holder.

2. The learned Counsel Dr. Pandey for Decree Holder submits that in the present proceedings the Co-operative Court by Judgment dated 20th February, 2013 in Dispute No. CC-IV/220 of 1988 directed the Opponent to hand over the vacant and peaceful possession of Flat No. 5, C-wing, Lijjat Godavari Co-opertive Housing Society Ltd. Kandivali Village, Kandivali (W), Mumbai-67. He further submits that the said order was challenged by the Respondent before this

Court by way of Writ Petition No. 7561 of 2013. He submits that the said Writ Petition was disposed of, by order dated 11th July, 2017.

3. The learned Counsel for Decree Holder submits that thereafter they have filed Execution Application and in that Execution Application warrant of possession under Order XXI Rule 35 and 36 of the Code of Civil Procedure dated 22nd June, 2017 was issued by the learned Prothonotary & Senior Master, High Court, Mumbai. He submits that they have tried to execute the possession warrant through the office of the Sheriff of Mumbai. He submits that at the time of execution of the said warrant of possession, Defendant's wife and daughter-in-law refused to handover the possession. To that effect, the concerned Bailiff submitted his report dated 7th July, 2017 (Exhibit 'E') on Page 33. He submits that hence it remained to execute the possession warrant. Therefore, they have preferred the present Judges Order for permission to execute the possession warrant with the help of police and vacate forcibly to the occupants of the suit flat.

4. Considering the submission made by the learned Counsel for Decree Holder, report dated 7th July, 2017 submitted by the Bailiff/Clerk from the office of Dy. Sheriff of Mumbai, I am satisfied that Decree Holder has made out the case

for allowing this Judges Order. Hence, the following order.

ORDER

(A) Judges Order preferred by the Decree Holder is allowed.

(B) The Registry is directed to issue order to the Decree Holder for execution of the decree to take possession of the Flat No.5, C-wing, Lijjat Godavari Co-operative Housing Society Ltd. Kandivali Village, Kandivali (W), Mumbai-67 with the help of police.

(C) Judges Order stands disposed of accordingly.

(K.K.TATED, J.)