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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

CIVIL REVISIOIN APPLICAION (ST) NO. 194 OF 2017

Shaikh Jalil s/o Shaikh Abid,
Aged 65 years, Occ: Mechanic,
R/o. Memon Colony, Deepak Chowk,
Akola.

..APPLICANT

VERSUS

Mohd. Rizwanhul Haq s/o Mohd.
Mobinul Haq & ors

..RESPONDENTS

Mr U.J. Deshpande, Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 10th APRIL, 2017

ORAL ORDER :

In Regular Civil Suit No. 107 of 2002 for eviction, possession, recovery of arrears of rent taxes and damages, learned Civil Judge, Junior Division, Akola passed decree on 11th September, 2003, which is confirmed up to the Apex Court. Based on the said decree, Regular Darkhast No. 94 of 2005 is filed seeking execution of the decree. In the said darkhast, applications below Exhibits-13 and 46 are moved by judgment debtors objecting tenability of execution proceedings and

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application below Exhibits-53 and 56 for permission to lead their evidence. These applications are rejected by the executing Court by order dated 14th December, 2015. As such, present revision.

2. Having heard learned Counsel for the applicant for some time, it is required to be noted that once the decree for eviction is confirmed up to the Apex Court, issues as are sought to be canvassed viz. non maintainability of the civil suit and incorrect initiation of the proceedings under wrong statute, in my opinion, cannot be gone into in the execution proceedings.

6. The applicant has stalled the execution proceedings for last more than ten years and is not permitting decree holder to ripe fruits of the decree.

7. In view thereof, in my opinion, the revision is liable to be dismissed with costs of Rs.10,000/- (Rs. Ten thousand only), to be deposited within four weeks from today before

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executing Court and if not amount is deposited, it be recovered through same execution proceedings. The execution proceedings are expedited. The executing Court to submit report to this Court of the decree being executed satisfactorily within six months from today.

8. Civil Revision Application stands rejected as above.

(N.W. SAMBRE, J.)

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