

WRIT PETITION NO. 2331 OF 2018

VERSUS

Advocate for Petitioner : Shri V. M. Vibhute

DATED : 13th March, 2018.

2] The grievance of the Judgment Debtor is that he has challenged the judgment and decree dated 30/03/2001 delivered by the Trial Court in RCS No. 404/1995, recently. The delay caused is condoned and the Regular Civil Appeal, will now be considered by the Appellate Court. Hence, application Exhibit 109 filed by the decree holder should not

have been allowed and possession warrant should not have been issued.

3] I find from the record that the execution proceedings have been lodged in 2005. The decree is about 17 years old. The sale-deed is already executed by the Court Commissioner. Objections filed by Judgment Debtor No. 4 at Exhibit 99 has already been rejected by order dated 16/09/2017. The L.Rs. of the deceased Judgment Debtor are also given the opportunity to participate in the execution proceeding. The suit was decreed and the sale-deed executed by original defendant No.1 in favour of defendant No.2, was declared to be not binding on the plaintiff.

4] It was in the above backdrop and since the J.D. did not submit any reply to the application Exh. 109 for about two months, that the executing Court proceeded to pass the impugned order. I do not find that the impugned order could be termed as being perverse or erroneous.

5] This petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-

