

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

CIVIL REVISION APPLICATION NO. 94 OF 2018

**ATMARAM DEOCHAND SAVKARE AND OTHERS
VS.
BHASKAR SHIVRAM PATIL, THROUGH LRS.ASHOK BHASKAR
PATIL AND OTHERS.**

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Advocate for Applicants : Shri G.V. Wani

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 13th JUNE, 2018.**

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PER COURT :

1. The applicants are aggrieved by the order dated 09/02/2018 passed by the Executing Court rejecting the preliminary objections of the judgment debtors and directing the parties to proceed with Regular Darkhast No. 14/2018.

2. Learned advocate for the applicants has strenuously criticized the impugned order. He draws my attention to the eight grounds formulated by him. The grievance is that application Exhibit 26 has been rejected by the impugned order and the said order is perverse and erroneous.

3. I have considered the contentions of the petitioner

and have gone through the petition paper book.

4. I find that the Executing Court has followed the procedure while considering the objections of these petitioners. The judgment debtors have recorded their evidence and the decree holders have followed with their evidence. It is undisputed that the judgment and decree in Regular Civil Suit No. 193/1980, which is subject matter of execution, has not been challenged by the defendants and the said judgment and decree has attained finality.

5. It appears from the analysis of the contentions/objections of these petitioners and the evidence recorded, from paragraph Nos. 4 to 15 in the impugned order, that the Executing Court has found that the objections of these petitioners are frivolous and do not deserve any consideration. I find that a reasoned order has been passed and every contention of the petitioners has been specifically dealt with.

6. Considering the above factors, and keeping in view that a judgment and decree in a suit instituted in 1980 is

yet to be executed and the decree holders are awaiting the fruits of litigation, I do not find that the impugned order could be termed as being perverse or erroneous. Merely because a different view can be taken, would not be a ground for branding the impugned order as being perverse or erroneous.

7. This application, being devoid of merits, is rejected.

(RAVINDRA V. GHUGE, J.)

shp/-