

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1026 WRIT PETITION NO. 8168 OF 2017

BABU MALLANNA GAVALI
VERSUS
PARWATIBAI MALLANNA GAVALI AND OTHERS

...

Advocate for Petitioner : Mr. Rakhunde Pravin B

Advocate for Respondent Nos.3 to 6 : Mrs. Geeta L. Deshpande.

...

CORAM : **V. K. JADHAV, J.**

DATE : 05th January, 2018.

P.C.:

. The learned counsel for Petitioner, on instructions, seeks leave to withdraw this writ petition with liberty to approach the District Court by filing an appeal. Leave granted. The writ petition is disposed of as withdrawn with liberty as aforesaid.

2 The learned counsel for Respondents submits that though the judgment and decree passed by the Trial Court in the year 2008 and confirmed by the Supreme Court, the Respondents / decree holders are not getting the fruits of the decree. The Petitioner is the son of original Defendant Nos.1 and 2 and the real brother of original Defendant No.3. The Petitioner is showing his ignorance about the pendency of the suit. The learned counsel submits that the other judgment debtors are avoiding the execution of the decree through the

present Petitioner.

3 In view of the above submissions, in case, if the Petitioner herein prefers an appeal before the District Court, the Respondents / original decree holders would be at liberty to file an application for expeditious hearing of the said appeal and the learned District Judge shall consider the said application.

[V. K. JADHAV, J.]

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