

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

941. WRIT PETITION No. 12596 of 2018

Nana S/o Rama Patil and others	...	Petitioners
Versus		
Nandulal Sambhaji Patil and others	...	Respondents

Mr. A.P. Yenegure, Advocate for petitioners.

Coram : N.M. Jamdar, J.

Date : 21 November 2018.

ORAL ORDER :

1. The petitioner has challenged the order passed below Exhibit No. 68 in Regular *Darkhast* No. 29 of 2007 by the learned Civil Judge (Junior Division), Bhadgaon, District Jalgaon, dated 4 August 2018 giving opportunity to the objectors to lead evidence. The application has been filed by the objectors, which has been considered as per Section 47, Rule 97 to 105 of Order XXI of the Code of Civil Procedure, which states that objections have to be decided in the execution proceedings and not by way of separate suit.

2. The learned Counsel for the petitioner submitted that objectors also filed Regular Civil Suit No. 42 of 2013 and in one of the interlocutory application grounds raised by the objectors have been decided. The learned Civil Judge has rightly held that objections will have to be decided not by way of separate suit but in the execution proceedings itself and that Regular Civil Suit No. 42 of 2013 is not finally disposed of against objectors. What are relied upon are only interlocutory objections. There is no error of jurisdiction in permitting the objectors to lead evidence. The writ petition is rejected.

N.M. Jamdar, J.