

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11684 OF 2018
(Maruti Kerappa Bahirwade Vs. Ayubkhan Banekhan (deceased)
through LR's and others)

Mr.P.S.Pawar, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/10/2018

PER COURT :

1. The petitioner is aggrieved by the order dated 16/08/2018 passed by the Revisional Court by which CRA No.2/2016 filed by the petitioner / original obstructionist has been rejected and the order of the Trial Court has been confirmed.

2. The petitioner / obstructionist has moved an application under Order 21 Rule 97 of the CPC in the pending RD No.47/1999. As a third person, he has attempted to obstruct the darkhast in which the decree delivered in favour of the decree holders in Spl.Civil Suit No.646/1988 is involved.

3. I find from the record that RCS No.369/1980 and the Appeal No.7/1987 followed by WP No.2088/1998 led to a final conclusion that the suit property has come in the possession of the decree

holder. The rights and interests of the brothers and sisters of the decree holder have been finally adjudicated upon. The petitioner/third party even failed to demonstrate as to how he would have an interest in the pending proceedings.

4. In my view, the petitioner appears to be a person who has been put up by the judgment debtors. He having no concern with the properties at issue, led to his application being rejected by the Executing Court by order dated 01/08/2016. The Revisional Court, while passing the impugned order, has also concluded that it is nobody's case before the Executing Court that the decree was obtained by fraud.

5. In view of the above, I do not find any merit in this petition and the same is therefore dismissed.

(Ravindra V.Ghuge, J.)