

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

916 WRIT PETITION NO.13605 OF 2018

UJAWALA SADASHIV KADAM AND ANOTHER
VERSUS
THE DISTRICT COLLECTOR AURANGABAD AND OTHERS

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Advocate for Petitioners : Mr. P B Salunke h/f Kakde Sunil B
AGP for Respondents: Mrs V N Patil Jadhav

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CORAM : N.M. JAMDAR, J.

Dated: December 07, 2018

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PER COURT :-

1. The petitioners have challenged the issuance of notice simplicitor by the Circle Officer in respect of the execution of the decree and the order passed by the learned Civil Judge to execute the decree. Learned counsel for the petitioners informs that, as against the judgment and decree, the petitioners have filed a substantive first appeal, which was dismissed for default by the District Court and restoration application is pending. Instead of applying in the pending first appeal, the petitioners have approached this Court so as to defer the execution proceeding. Since substantive first appeal was filed, dismissed for default and restoration is sought for, the petitioners will have to apply in those proceedings. Writ petition is accordingly disposed of.

(N.M. JAMDAR, J.)