

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3126 OF 2018**

Manisha Sampatrao Bhosale & Ors. .. Petitioners  
Vs.  
Balkrishna Shamrao Mhapralkar & Ors. .. Respondents

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Mr.R.M. Haridas i/by Ms.Rukmini Khairnar for the petitioners.  
Mr.S. S. Patwardhan for the respondent no.1.  
Mr.Pratik B. Rahade for the respondent no.8.

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**CORAM : R.D. DHANUKA, J.**  
**DATE : 9<sup>th</sup> October 2018**

**P.C.:**

. By this petition filed under Article 227 of the Constitution of India, the petitioner (original judgment debtor no.2) has impugned the order dated 8<sup>th</sup> March 2018 passed below Exhibit-298 in Regular Darkhast No.111 of 2012 dismissing the application filed by the petitioner inter alia praying for dismissing the darkhast application filed by the decree holder under Section 47 of the Code of Civil Procedure, 1908.

2. Mr.Haridas, learned counsel for the petitioner invited my attention to the application filed by his client (exhibit 298) and the impugned order passed by the executing Court dismissing the said application.

3. Learned counsel does not dispute that the decree passed by the learned trial Judge has been confirmed by the Hon'ble Supreme Court. Learned executing Court has considered the said application for dismissing the darkhast application in great detail in the impugned order

dated 8<sup>th</sup> March 2018. The decree passed by the learned trial Judge has already been upheld by the Hon'ble Supreme Court and thus the learned executing Court was justified in rejecting the said application by an order dated 8<sup>th</sup> March 2018. I do not find any infirmity in the impugned order passed by the executing Court. Application (Exhibit-298) filed by the petitioner was thoroughly misconceived and was therefore rightly dismissed. Writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

***R.D. DHANUKA, J.***

Prachi  
Pranesh  
Nandiwadekar

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