

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4466 OF 2016

Smt. Kamal Dattatray Chandorkar & Anr. ... Petitioners

Versus

Defence Accounts Co-op.Bank Ltd. ... Respondent

Mr. Anoop U. Patil for Petitioners.

CORAM : NITIN W. SAMBRE, J.
DATE : 16th OCTOBER 2018.

P.C.

. On 20th April 2016 this Court passed an order granting time to the Petitioners – Judgment Debtors to remove office objections and to take steps for amendment of the Petition. Thereafter time and again the matter was adjourned at the behest of the Petitioners, however, no steps are taken for last more than two years.

2. Order impugned is passed below Application (Exhibit – 60) in Regular Darkhast No. 12 of 2011.

3. The Petitioners – Judgment Debtors have suffered a decree in execution of which an objection was raised. The said objection came to be dealt with by the Small Causes Court, Pune on its own merits which was

subject matter of challenge in Civil Revision Application No. 18 of 2016. In Revision Application No. 18 of 2016 the revisional court clarified that the execution proceedings are not stayed as is apparent from the order dated 19th March 2016.

4. The Regular Civil Suit No. 328 of 2003 came to be decided on merits upon considering all the objections raised by the Petitioners – Judgment Debtors. The said decree has attained finality up to this Court. An attempt on the part of the present Petitioners – Judgment Debtors in moving Application (Exhibit – 60) seeking dismissal of the execution proceedings appears to be without any substance. The said Application (Exhibit – 60) speaks of the challenge to the right of the Decree Holders to seek execution of the decree, however, there is the material to substantiate the said contentions.

5. That being so, in my opinion, no case for interference could be noticed which warrants interference in extraordinary jurisdiction.

6. The Writ Petition fails. Hence, the same is dismissed.

(NITIN W. SAMBRE, J.)