

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7105 OF 2014

Ananda Ramchandra Sonawane & Ors. ... Petitioners
Vs.
Shrawan alias Chindha Ramchandra
Sonawane & Ors. ... Respondents

Mr. Sandip D. Shinde, Advocate for the petitioners.
Mr. Tushar N. Sonawane, Advocate for respondent no. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th June, 2018.**

P.C.:

In this Petition, the order dated 2nd April, 2014 passed by the learned Joint Civil Judge Junior Division, Kalwan in Regular Execution Proceeding No. 32 of 2009 below Exhibit 1 is challenged. The Petition is filed by the judgment debtor. The decree holder has filed the suit for injunction that the defendants/judgment debtors should not obstruct the approach of the plaintiff/decreed holder. Exhibit 1 was the Application made by the decree holder for execution of the decree.

2. The learned counsel for the petitioners/judgment debtors submitted that the third person, i.e., Uttam Shyamrao Mane, owner of Gat No. 247A is obstructing the way of the plaintiff/decreed holder. He

submitted that the petitioners' land is Gat No. 247B and they are not obstructing the road and also not creating any obstruction in the execution proceeding.

3. The learned counsel for the respondent no. 1/decree holder submitted that the suit road is only 8 to 10 ft. in length. The trees which are standing on the road are to be removed either by the judgment debtors or as per the order, the decree holder is to be allowed to remove those trees.

4. Considered the submissions of the learned counsel for both the sides, nature of dispute and the decree passed therein, I do find any illegality in the order passed by the learned Executing Judge. The reasons given therein are legal and cogent and nothing can be faulted with. The order passed by the Executing Court executing the judgment and decree is to be carried out.

5. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)