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

WRIT PETITION NO.10365 OF 2013

Bhaskar Pandurang Suryawanshi

and ors

... Petitioners

V/s.

Grampanchayat, Gotewadi

... Respondents

Mr. Ashutosh M. Kulkarni, for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 22nd JANUARY, 2018.

P.C. :

1] Heard learned counsel for the petitioner.

2] This Writ Petition is preferred against the order dated 22.7.2013, passed by Joint Civil Judge Junior Division, Tasgaon, below Exh.11, in Regular Darkhast No.104 of 2012.

3] By this application which was preferred by the Decree Holder, he was seeking police aid for reconstruction of cattle shed which was dismantled by the Judgment Debtor during pendency of the appeal.

4] The Executing Court has rejected the said application only on the ground that Regular Civil Appeal No.163 of 2008 filed against the said judgment and decree passed in R.C.S.No.255 of 2001 was

pending in the Appellate Court. Now learned counsel for petitioner submits that Regular Civil Appeal No.163 of 2008 has been dismissed by the Appellate Court on 30.01.2014.

5] In view thereof, it would be proper to direct the Executing Court to decide application at Exh.11 afresh after hearing learned counsel for both parties. Ordered accordingly.

6] The Writ Petition is disposed in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]