

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.12804/2018

Santosh Sitaram Chavan ... Petitioner

V/s.

Santosh Balkrishna Chavan & Ors. ... Respondents

Mr. P. G. Parkar for the Petitioner  
Mr. S. S. Lanke for Respondent No.1.  
Ms. Ankita Nisheed with Abhijit Desai i/b. Desai Legal for  
Respondent No.5.

**CORAM: K.K. TATED, J.**

**DATED : NOVEMBER 30, 2018**

**P.C. :**

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 20.10.2018 passed by the Bombay City Civil Court, Mumbai in Execution Application No.183/2018 in Short Cause Suit No.3424/2007 issuing fresh possession warrant as per Order 21 Rule 35 Code of Civil Procedure, 1908. The executing court has also directed the Commissioner of Police, Mumbai to provide police aid for execution of the warrant, if police personnel are available, subject to payment of charges.

2 It is to be noted that in the present proceedings the Bombay City Civil Court, Mumbai has passed decree dated 17.02.2012 in Short Cause Suit No.3424/2007 which was challenged by the Defendants upto second appeal. The Second Appeal has also been disposed of.

3      Considering these facts, I do not find any substance in the Writ Petition to stay the order passed by the Executing Court.

4      Hence, the Writ Petition stands rejected. No order as to costs.

5      Ad-interim relief, if any, granted earlier stands vacated.

6      At this stage, the learned counsel for the Petitioner seeks stay of this order for a period of eight weeks.

7      Considering the fact that the decree was confirmed upto Second Appeal and the Executing Court issued fresh possession warrant, there is no question of granting stay in favour of the Petitioner.

8      Hence, the oral request made by the learned counsel for the Petitioner stands rejected.

**(K. K. TATED, J.)**