

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3599/2018

Nandu Ruplal Kanojiya and Ors...vs..Smt. Eshadevi Benichand Golcha and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K. H. Dodani with Mr. K. L. Satuja, Advocates for
petitioners.

CORAM : S. B. SHUKRE,
DATED : JUNE 27, 2018

1. Heard.

2. After having gone through the order dated 25.04.2018, being challenged in this petition, I do not think that any patent illegality or perversity could be found in the order. Once it is seen that the petitioners admitted that they are legal heirs of the original judgment debtor and claim their right through the judgment debtor, need for adducing any evidence could not arise. As regards objection about issuance of notice to the petitioners on correct address, I must say, the observations of the learned Judge of the Small Causes Court, Nagpur, need no interference as the petitioners were already before the Court.

3. This is a case in which the decree holder has not been allowed to enjoy the fruits of decree for more than 33 years and the petitioners claiming their right through the judgment debtor are under a duty to obey the directions given in the decree. If any interference is made by this Court in such a case, there is possibility of litigants losing their faith in the process of law.

4. In that view, I do not see any merit in this petition and it deserves to be summarily dismissed. The writ petition is dismissed accordingly.

JUDGE

kahale