

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Revision Application No. 108 of 2014
[Smt. Shantabai Shankarrao Hend & others Vs. Janabai Tulshiramji Hend & others]

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

Court's or Judge's orders

Mr Anand Deshpande, Adv., for the applicants.

CORAM : A. S. CHANDURKAR, J.
DATE : 11th January, 2018

The legal heirs of the original defendant - judgment debtor have preferred this Civil Revision Application being aggrieved by the rejection of their objections raised before the executing Court.

The non-applicants are the decree holders in whose favour a decree for specific performance has been passed. While executing that decree, the present applicants filed objections contending that the suit property was ancestral property and they had legal rights in the same. Another objection raised was that the decree in question had not attained finality. The executing Court rejected those objections and being aggrieved, the present Civil Revision Application has been filed.

After hearing Shri Anand Deshpande, learned

counsel for the applicants, it is found that the executing Court has rightly held that the grounds sought to be raised by the legal heirs of the original defendant are grounds touching the merits of the adjudication. These grounds were raised in the challenge to the decree and that decree has been held to be validly passed. Second Appeal No. 82 of 1997 filed by the original defendant has also been dismissed. I, therefore, find that the executing Court did not commit any jurisdictional error while turning down the objections raised by the legal heirs of the judgment debtor.

Civil Revision Application is, therefore, dismissed.
No costs.

Judge

[hedau]