

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 WRIT PETITION NO.4534 OF 2019

**SAMBHAJI KASHINATH UJGARE AND ANR
VERSUS
NEMINATH HARIBHAU KATKAR (DIED) BY LRS. ASHOK NEMINATH
KATKAR AND ORS**

...
Advocate for Petitioners : Shri Vivek Vasantrao Bhavthankar

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**CORAM : P.R.BORA, J.
DATE: 11th April, 2019**

PER COURT:-

1 Heard Shri V.V.Bhavthankar, learned Counsel appearing for the petitioners. Aggrieved by the order passed by the Civil Judge Junior Division, Parli Vaijinath on 02.02.2019, below Application Exh.104 in Regular Darkhast No.7 of 2014, the present petition is filed.

2 The petitioners are the Judgment debtors. The application was filed by the petitioners for appointment of the Court Commissioner. As submitted by the learned Counsel for the petitioners, the application so filed was based on the report of the Bailiff, which was also required to be considered so as to identify premises to be given in possession of the decree holder. The learned Counsel submits that the Executing Court has wrongly rejected the application.

3 I have gone through the impugned order. After having perused the contents of the said order, it does not appear to me that any error has been committed by the Executing Court. Certain Judgments cited by the Judgment debtors are referred by the Executing Court, however the facts involved in the said Judgments are different than the facts involved in the present matter. Only because something has been mentioned in the Bailiff report, it does not mean that the property to be handed over to the decree holder, is not identifiable.

4 In view of above, I do not see any merit in the present Petition. Hence, the petition is rejected.

(P.R.BORA)
JUDGE

SPT