

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

WRIT PETITION NO. 12876 OF 2019

**BABU HARIBA GANGAWNE AND OTHERS
VERSUS
GAFFAR KHAN RAHMAN KHAN**

...
Advocate for the Petitioners : Shri D. K. Thote

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 16th OCTOBER, 2019.

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PER COURT :

1. The petitioners, who are judgment debtors are aggrieved by the order dated 22/03/2019 passed by the executing Court, by which, application Exhibit 40 seeking an order from the Executing Court that the execution proceedings are not tenable, has been rejected.

2. The learned Advocate has strenuously criticized the impugned order. He has, however, gone into the merits of the decree and contends that the petition deserves to be allowed in view of the eight grounds formulated in the memo of the petition.

3. I find that the decree holders are armed with a judgment and decree of the Trial Court dated 19/04/2006. It has to be left to the executing Court as to how a decree can be executed. There is no bar *insofar* as the limitation is concerned.

4. Considering the above and the supervisory jurisdiction of this Court, the impugned order can neither be termed as being perverse nor erroneous. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-