

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

WRIT PETITION NO.7996 OF 2019

IBRAHIM KHAN SUJAT KHAN SINCE DECEASED THROUGH HIS LRS.
KHALIDA BEGUM IBRAHIM AND OTHERS
VERSUS
DEELIP RAMCHANDRA MANE

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Advocate for the Petitioner : Shri Kale Mahesh P.
Advocate for the Respondents : Shri Patil Milind M. (Beedkar)

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th November, 2019

Per Court:

1 I have heard the learned advocates for the respective sides for some time. I have perused the first order delivered by this Court on 01.07.2019.

2 The impugned order dated 04.04.2019 passed by the Executing Court is only to the extent of directing the removal of articles kept by the judgment debtor on the southern portion of the disputed property, in the presence of the bailiff. The petitioner has filed this petition challenging the said order.

3 The petition was lodged on 29.04.2019. However, prior to the lodging of the petition, the petitioner has preferred an application exhibit 83 on 20.04.2019. By the said application, the impugned order dated

04.04.2019 is sought to be stayed.

4 From the above, it is apparent that on the one hand, the petitioner has challenged the order dated 04.04.2019 before this Court and on the other hand, prior to the filing of this petition, he has moved the application exhibit 83 seeking stay to the same order. This aspect is mentioned by way of a passing reference on page 5 in the memo of the petition.

5 Considering the above, this Writ Petition is disposed off with liberty to the petitioner to avail of the remedy as may be permissible in law for challenging the order dated 25.06.2019 passed by the Executing Court below exhibit 83. All contentions with regard to the said order are kept open.

kps

(RAVINDRA V. GHUGE, J.)