

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

WRIT PETITION NO.12065 OF 2019

**MADHUKAR BHAGWAN BIKKAD
VERSUS
BHAGWAN BABURAO BIKKAD**

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Advocate for the Petitioner : Shri J. M. Murkute

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 01st OCTOBER, 2019.**

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PER COURT :

1. The petitioner, who is the biological son of the respondent father who is already hundred years of age, is the judgment debtor who has challenged the order dated 02/08/2019 passed by the executing Court directing the petitioner to pay Rs. 42,500/- and 7 Qtl. of Jowar to the respondent father.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner judgment debtor. I have gone through the five grounds formulated in the memo of the petition.

3. This is an unfortunate case in which a hundred year old father is required to litigate against the petitioner son,

judgment debtor. Another son of the respondent, who is also judgment debtor No.2, is a lawyer by profession. It is informed that this unfortunate father has three sons and all of them are judgment debtors. Each one seems to be passing the buck to the other expecting that the other son would take care of the judgment debtor. Resultantly, neither of the three are taking his care, besides making allegations against each other.

4. I have perused the impugned order wherein, admittedly the petitioner is the judgment debtor. The original decree in RCS No. 40/2012 indicates that the parties had entered into a compromise so as to equally share the responsibility of taking care and nourish the respondent father. The respondent herein seems to be one judgment debtor who has not discharged his burden.

5. Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous or likely to cause grave injustice to the petitioner. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-