

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

909 WRIT PETITION NO.12564 OF 2018

**SANDEEP BHIMRAJ BODHAK AND OTHERS
VERSUS
LATA CHANDRABHAN SHELKE AND OTHERS**

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Advocate for Petitioners : Shri Ravi Khandebharad h/f
Shri V.D. Salunke ;
Advocate for Respondent Nos.1 & 2 : Shri V.S. Bedre.

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**CORAM : P.R. BORA, J.
Dated: July 24, 2019**

PER COURT :-

1. Heard the learned Counsel appearing for the petitioners and the learned counsel appearing for the respondents. Perused the impugned order and the other material placed on record. It is apparently revealed that, the learned Executing Court, without deciding the applications filed by the present petitioners, invoking the provisions under Order-21, Rule 97 of the Code of Civil Procedure proceeded to pass the impugned order. The course so adopted by the learned Trial Court was impermissible. In the circumstances, the present petition can be disposed of with the following direction:

ORDER

(i) The Executing Court shall decide the applications at Exhs.87 & 88 respectively in Regular Darkhast Nos.95 of 2013 and 93 of 2013 in accordance with law on their merits by giving due

opportunity of hearing to the parties.

(ii) Till then, the execution of the order dated 31.10.2018 passed by the Executing Court, impugned in the present petition, shall remain stayed.

(iii) The aforesaid applications be decided by the Executing Court, as expeditiously as possible, preferably within the period of four weeks from the date of passing of this order.

(iv) The Writ Petition stands disposed of in the aforesaid terms.

(**PR. BORA, J.**)

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