

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

966 WRIT PETITION NO.14954 OF 2019

SHITAL DIPAK KASAR
VERSUS
BHATU PANDURANG KASAR AND OTHERS

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Advocate for Petitioner : Mr. Savale Amit S
AGP for Respondents-State : Mr. P. N. Kutti.

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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. Mr. Savale, the learned counsel submits that the petitioner is ready to abide by the order dated 30.10.2017, passed by the Sub Divisional Officer-cum-Presiding Officer, Senior Citizen Maintenance Tribunal, Dhule of delivering one well furnished room to respondent No.1 but the Circle officer has issued notice directing possession of house to be given to respondent No.1, the same is not in consonance with the order passed.

2. We have gone through the order passed by the Presiding Officer of the Tribunal. The order of the Presiding Officer of the Tribunal refers to delivery of one well furnished room with W.C., T.V. It does not direct delivery of possession of the entire house. The notice issued by the Circle Officer also refers to the order dated 30.10.2017 passed by the Presiding Officer of the Tribunal. The

Circle Officer would execute the order passed by the Tribunal and not beyond that. It appears that the word '*Gharacha Tabā*' is a *mis nomer*. The notice also refers to the order of the Tribunal dated 30.10.2017 in dispute.

3. In light of the above, we do not find that the apprehension of the petitioner to be proper. The Circle Officer is only executing the order passed by the Presiding Officer of the Tribunal. The petitioner may bring it to the notice of the Circle Officer, the order of the Presiding Officer and to execute the order as per the order passed by the Presiding Officer of the Tribunal dated 30.10.2017 and not beyond that. The Circle Officer certainly shall consider the order passed by the Tribunal while executing the said order.

4. With these observations, Writ Petition is disposed off. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-