

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.8374 OF 2018

Shri Subhash Narayan Patil and Ors. ... Petitioners

Vs

Shri Eknath Appaji Nadgonda ... Respondent

...

Mr. Anand Patil i/by Anand Patil & Associates for the
Petitioners.

Mr. Vivek Vijay Salunke for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : JULY 11, 2019

P.C. :

Heard learned counsel for the parties.

2 Petitioners are the judgment debtors in the suit instituted by the respondent. A decree of perpetual injunction has been passed in Regular Civil Suit No.22 of 1986 against the petitioners. Decree holder filed execution petition under Order 21 Rule 32(1) of the Code of Civil Procedure, 1908. It appears that show-cause notice was issued by the executing Court to which the petitioners have filed say at Exhibit 14 and denied averments made by the decree holder. Thus, the executing Court after hearing issued show-cause notice as

to why petitioners should not be arrested and detained in the civil prison. It is against this order, this petition is preferred under Article 227 of the Constitution of India.

3 The learned counsel for the respondent on instructions submits that to the subject show-cause notice, petitioners have filed reply and it is under consideration of the executing Court. In view of this petition is disposed of being pre-matured. Petitioners are at liberty to raise all the Contentions and his defence before the executing Court, in reply to the show-cause. With these observations, the petition is disposed of in aforesaid terms.

(SANDEEP K. SHINDE, J.)