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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7716 OF 2019

Prakash Shantinath Sadalge ..Petitioner.

V/s.

Ramesh Madhavrao Kulkarni ..Respondent.

Mr.Sudhir Sadavarte for the petitioner.

Mr.Shashank Mangle for respondent No.1.

CORAM : NITIN W.SAMBRE, J.

DATE : OCTOBER 15, 2019

P.C. :-

By the impugned order dated May 23, 2019 the petitioner was directed to be detained in civil prison for 30 days as per Order XX1 Rule 32(1) of the Code of Civil Procedure.

2. It is the case of the petitioner that the shortfall which were brought to the notice of the Executing Court are already complied with after the impugned order. According to him, the said issue can be gone into by this Court.

3. Said issue, in my opinion, cannot be gone into by this Court in exercise of writ jurisdiction under Article 227 of the Constitution of India, particularly when such compliance

was not produced before the Executing Court.

4. Keeping the petitioner's option open of reporting compliance, particularly in the backdrop of non-compliance on certain points as observed in the impugned order, in my opinion, the present petition needs to be dismissed and is accordingly dismissed.

5. The order of the Executing Court thereby directing the detention of the petitioner in Civil Prison for 30 days is stayed only for a period of four weeks from today.

(NITIN W.SAMBRE, J.)