

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10085 OF 2019

UDAY SHRIKANT GHATGE & ORS.)...PETITIONERS

V/s.

RAJINDER SHARMA)...RESPONDENT

Smt.Prabha Badadare a/w. Smt.Veera Shinde, Advocate for the
Petitioners.

CORAM : A. M. BADAR, J.

DATE : 4th NOVEMBER 2019

P.C. :

1 The only ground urged in this writ petition filed by the
judgment debtor is to the effect that his application under Section
47 of the Code of Civil Procedure is still pending before the
Executing court and as such, Jangam warrant ought not to have
been issued by the Executing court.

2 Perused the application purportedly filed under
Section 47 of the Code of Civil Procedure. Averments in the said

application are to the effect that the learned Civil Judge, Senior Division, at Gurgaon, ought not to have proceeded ex parte against the defendants without publication of summons at Kolhapur. Section 47 of the Code of Civil Procedure deals with matters relating to execution, discharge or satisfaction of the decree. The appeal challenging the ex parte decree is still pending. No stay is granted by the Appellate court.

3 In this view of the matter, no fault can be found in the impugned order issuing Jangam warrant. The writ petition is, therefore, devoid of merits and the same is dismissed.

(A. M. BADAR, J.)