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

CIVIL REVISION APPLICATION (ST) NO. 21388 OF 2019

Bapusaheb (Hanmantrao) Kulkarni

.....Applicant

V/s.

Sandhya Ravindra Saigaokar and others

.....Respondents

Mr. Nikhil Wadikar i/b Nandu Pawar for the Petitioner

None for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 16, 2019.

P.C.

Heard. Special Darkhast Proceedings No. 28 of 2018 application Exhibit 36 came to be moved by the petitioner-Judgment debtor alleging that execution proceedings are not maintainable as same are incompetent. Relying on the Judgment of this Court in the matter of **Mohammad Salam Anamul Haque Vs. S. A. Azmi & Others¹** particularly paragraph 14, learned counsel would urge that execution proceedings must be presented before School Tribunal who can itself deal with the same or may transfer the same to the Civil Court. As such, according to him, execution proceedings which

¹ (2000 II CLR 287)

are initiated before the Civil Court are not maintainable.

2 With the assistance, I have perused evidence recorded in the Judgment of **Mohammad Salam Anamul Haque** [cited supra] particularly in para 13 which reads thus:

“13. -----

then it becomes the duty of the tribunal to either execute the order itself or, it is found necessary, transfer it for execution to another civil court in accordance with the provisions contained in the Code of Civil Procedure”.

3 This Court while interpreting powers of Tribunal and the Civil Court of maintaining execution against order of School Tribunal appears to be of the opinion that those are concurrent powers and as such, can be exercised by the Civil Court or by the School Tribunal.

4 That being so, no case for interference is made out. Petition fails, dismissed.

[NITIN W. SAMBRE, J.]