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

WRIT PETITION NO.9598 OF 2019

Mrs. Shama Shahjahan Moosa
(alias Miss Satyabhama Kailas Jaiswal) ..Petitioner
vs.
Shreyas Kailas Jaiswal & ors. ..Respondents
....
Shri Jagannath S. Pawar for petitioner.

....
CORAM : M.S.KARNIK, J.

DATE : 30th AUGUST, 2019

P.C. :

Heard learned counsel for the petitioner.

2. The petitioner is challenging the judgment and decree dated 2nd May, 2008 passed in Special Civil Suit No. 236 of 2005 by Civil Judge, Senior Division, Kalyan, District – Thane. According to the petitioner, she was not a party to the said suit and therefore the decree is not binding on her.

3. Learned counsel would submit that despite that the decree not binding on her, the Executing Court is proceeding

with the execution of the judgment and decree of the trial Court.

The petitioner therefore has also prayed for the following relief :

“(c) That this Hon'ble High Court be graciously pleased to quash and set aside the effect and operation of the Execution Proceedings initiated by the Original Plaintiffs and presently under progress in the Spl. Civ. Suit No. 236 o 2008”.

4. In my opinion, the petitioner has an alternate efficacious remedy either to challenge the judgment and decree by filing appropriate proceedings before the Appellate Court or by making application before the Executing court. In this view of the matter, the present Petition is not entertained.

5. Keeping all contentions of the petitioner open to be agitated before the appropriate forum the present Petition is dismissed with no order as to costs.

(M.S.KARNIK, J.)