

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

WRIT PETITION NO.11534 OF 2016

Kailas Dadu Thakur

...Petitioner

vs.

Khopoli Municipal Council through
chief Executive Officer and Ors.

...Respondents

None for the Petitioner.

Mr. Rajesh S. Datar for Respondent No.1.

Mr. Vivek V. Salunke for Respondent No.4.

Ms. K. N. Solunke, AGP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**

DATE : 19/09/2019.

PC.:

. The petitioner seeks execution of decree dated 6/11/1993 passed by Civil Judge Junior Division Khalapur in RCS No.24/1985.

2. Nobody appears for the petitioner.

3. Learned counsel appearing for Respondent No.1-Municipal Council states that the decree was questioned by defendant in Regular Civil Appeal No.199/1993 and was set aside by that Court. Against that objection, Second Appeal has been preferred vide No.680/2018 in this Court by Municipal Council and it is still pending.

4. It is therefore obvious that the judgment and decree of which execution is sought is not in existence.

5. Hence, keeping all contentions of parties open, we dispose of the present petition.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)