

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7910/2019

Rajkumar s/o Late Devidin Gupta

Vs.

Smt. Dr. Jayshree Avinash Banait and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Masood Shareef, Advocate for petitioner.
Shri R.S.Sundaram, Advocate for caveater/respondent no.1.

CORAM : A.S.CHANDURKAR, J.

DATED : DECEMBER 09, 2019.

The petitioner challenges common order dated 15.11.2019 passed below Exhibits 102 and 114 in Regular Darkhast No.183/2016.

It is informed that insofar as the rejection of the application filed below Exhibit 102 is concerned, the petitioner has filed an appeal bearing Regular Civil Appeal No.500/2019 for challenging that order. By the application at Exhibit 114, the petitioner sought for directions to the Executing Court to frame the issues and also sought permission to lead evidence in support of the objection. Since the order passed below Exhibit 102 refusing permission to the petitioner raise an objection to the executability of the degree is already challenged before the appellate Court, the order passed below Exhibit 114 can also be efficaciously challenged in that appeal.

With liberty to the petitioner to challenge the order passed below Exhibit 114 in the aforesaid appeal, the challenge in the writ petition is not entertained. All the points raised in the writ petition are kept open. Since the Executing Court had passed

a common order on 15.11.2019 and the certified copy of that order is already on record, the appellate Court may not insist for filing of another certified copy of the order passed below Exhibit 114.

The writ petition is disposed of. No costs.

JUDGE

Andurkar.