

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO.940 OF 2005
WITH
CIVIL APPLICATION NO.6631 NO 2007
IN
WP/940/2005

SHANKAR RATUBA KSHIRSAGAR DIED THROUGH LRS & ORS
VERSUS
BHAGWAN GOPAL TOUR

...
Advocate for Petitioner : Mr. K.J. Suryawanshi h/f Mr.
S.T.Ghute.
Advocate for Respondent : Mr. N.S.Kadam
...

CORAM : V. K. JADHAV, J.
DATE : 24.02.2020

PER COURT :-

1. The learned counsel for the petitioners submits that petitioner No.1 is present in person and on instructions from him the learned counsel submits that the Regular Darkhast No.12 of 2002, pending in the files of Civil Court, Osmanabad came to disposed off on 01.09.2007. As orally directed by this Court, the office has also obtained information from the Court at Osmanabad and by communication dated 15.02.2020, the 2nd Joint Civil Judge Junior Division, Osmanabad has communicated to the Registry of this Court that the said

Regular Darkhast No.12 of 2002 came to be disposed off on 01.09.2007 by allowing the execution petition. The Judgment Debtor was convicted for committing breach of injunction order and sentenced to pay fine of Rs.2000/- (Rupees Two Thousand only) and if Judgment Debtor fails to pay the fine amount, Decree Holder is at liberty to take steps for attachment to the property of Judgment Debtor. The petitioner is the decree holder and pending Darkhast No.12 of 2002 for execution of the Decree passed in a suit for perpetual injunction, the petitioner-plaintiff sought police aid by moving an application at Exh.19. The Executing Court was pleased to reject the prayer vide impugned order dated 24.12.2004. Thus the Writ Petition came to be preferred against said order dated 24.12.2004.

2. In view of the submissions above and also considering the report received from the Executing Court, this Writ Petition has become infructuous and disposed off accordingly.

3. Rule discharged.

4. Writ Petition is hereby disposed off.

5. In view of disposal of the Writ Petition, nothing survives in the Civil Application. Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-