

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3896 OF 2020

PRAKASH DHONDIRAM HATANGALE
VERSUS
PRAKASH TULSHIRAM YERAME

...

Advocate for the Petitioner : Shri Shinde Ram S.
Advocate for the Respondent : Shri Reddy Ajinkya

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th March, 2020

Per Court:

1 This matter was heard extensively on 11.03.2020 and today.

2 The dispute now is as regards the goods lying in the suit property that were removed by the Decree Holder with the aid and assistance of the Bailiff and an inventory, which contains the list of goods, which are lessor than the inventory of the Excise Department. The learned Executing Court has already observed in the impugned order dated 12.02.2020 in paragraph 6 that the Bailiff had no authority to remove the goods from the premises and evade the reporting of such removal.

3 The learned advocate for the petitioner, therefore, submits that this petition may be disposed off as withdrawn with liberty to the petitioner to take appropriate steps as are permissible in law to bring it to

the notice of the learned Executing Court in Regular Darkhast No.8/2019 that the goods as reflected from the excise inventory are missing to some extent as per the inventory prepared by the Bailiff subsequently, when the locks of the shops were broken open and the goods were removed by the Decree Holder with the assistance of the Bailiff.

4 Considering the above, this Writ Petition is disposed off as withdrawn with liberty as prayed for.

kps

(RAVINDRA V. GHUGE, J.)