

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO.3277 OF 2005

SYED REHAMAT ALI NASIRUDDIN
VERSUS
ANIL KUMAR HARIKISHAN ZAVAR & ANR.

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Advocate for Petitioner : Mr. Y.K. Kanade h/f Mr. Hemant
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Advocate for Respondent Nos.1 & 2: Mr. Anand D. Kawre h/f
Mr. Pradeep G. Deshmukh
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CORAM : V. K. JADHAV, J.
DATED : 27th January, 2020

PER COURT :-

1. Learned counsel for the petitioner – original objector in the execution proceedings submits that during pendency of this writ petition, the Special Darkhast No.7 of 2004 came to be disposed off since the possession has been delivered to the respondent – decree holder under the execution of the decree. Though by order dated 03.06.2005, this Court has granted interim stay to the execution in terms of prayer clause 'D' till 13.06.2005, by order dated 11.07.2005 while granting Rule, this Court has directed that if the decree holder has not filed any application as required under Order 21 Rule 97 of the Civil Procedure Code, he shall file the same, then the same be decided on its own merits in accordance with law as early as possible by the end of year 2005. Furthermore,

by order dated 31.01.2006, the extension of three months was granted to decide the execution petition vide Special Darkhast No.7 of 2004. In view of the same, the execution Darkhast came to be disposed off on 03.10.2009 by the trial Court.

2. In view of the above, the writ petition has become infructuous. The writ petition is accordingly disposed off as infructuous. Rule discharged.

(V. K. JADHAV, J.)

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