

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

914 WRIT PETITION NO.7826 OF 2020

SURESH SAHEBRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sonwane Mahesh R.

AGP for Respondents/State : Mr. S.N. Morampalle.

CORAM : MANGESH S. PATIL, J.

DATE : 02.12.2020.

PER COURT :

Heard learned advocate for the petitioner. The petitioner is a Decree Holder seeking execution of a decree for perpetual injunction. He is now seeking direction to the Executing Court to expedite the hearing of the execution. Simultaneously, he is also seeking a direction to the Executing Court to decide his applications (Exhibits 25 and 48) preferred by him under Order 21 Rule 32(2) read with Section 55 of the Code of Civil Procedure and seeking police protection and detention of the respondent/Judgment Debtor in civil prison as well as attachment of their properties.

2. Learned advocate for the petitioner submits that in spite of the petitioner being issued with a decree for injunction the Executing Court is remiss in passing any order on any of the applications and that is why he was compelled by the circumstances to approach this Court.

3. Since no effective order is being solicited against the respondent/Judgment Debtor and only a direction to the Executing Court is being sought for, to pass appropriate orders on the applications filed by the petitioner, in my considered view issuing suitable direction to the Executing Court would suffice.

4. The learned Judge of the Executing Court shall decide the applications (Exhibit 25 and 48) at the earliest by extending an opportunity to both the sides to be heard. With this direction the Writ Petition is disposed of.

(MANGESH S. PATIL, J.)

mkd/-