

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.234/2020

(Girish Upadhyay and another V Sharad Upadhyay and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P. Dhruv, Adv for petitioners.

CORAM : S.M. MODAK, J.

DATE : 31-01-2020.

Heard learned Advocate for the petitioners/judgment debtors. Preliminary decree passed by the Court of Civil Judge, Senior Division, Wardha on 13-10-2003, is confirmed by this Court in the proceeding of Second Appeal. Now the Court Commissioner has been appointed in final decree proceeding. The decree holders want implementation of the Court Commissioner Report. Accordingly, they have prayed for sale of the property. It was granted on 17-03-2018 by the Executing Court. These petitioners applied for setting aside the said order before the Executing Court. It was rejected on 30-09-2019. The said order is challenged by the present petitioners by way of Writ Petition No.6703/2019. It is pending. Stay is not granted in that proceeding.

2. Now, in this petition, the petitioners want to challenge the original order dated 17-03-2018, passed by the Executing Court thereby directing the sale of the property. I think it is better for the petitioner, to challenge this order dated 17-03-2018 in this connected Writ Petition. It will save time and to avoid conflicting order.

3. The petitioners are at liberty to move necessary application before the Court seized of that Writ Petition.

4. In view of the above, the present petition does not survive. Hence, the same is disposed of accordingly. No costs.

JUDGE

Deshmukh