

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

WRIT PETITION NO.129/2020

Ishwar S/o Gangadhar Wadhai

..V/s..

Raghuath S/o Babaji Wadhai 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 Rohit Joshi, Advocate for the petitioner.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 20.1.2020.

1] The learned Advocate for the petitioner, judgment debtor, on instructions, submits that there is a small portion of open space which is in possession of the petitioner judgment debtor. If that portion is sufficient to satisfy the decree as well the decree holder to the extent of 1000 Sq. Ft. of land, the said land would be handed over to the decree holder by moving an application within two weeks before the Executing Court. The land available would be measured and if there is any shortfall to satisfy the decree, the judgment debtor is willing to pay money to the decree holder as per the ready reckoner rate prevailing with reference to the remainder portion of land.

2] In view of the above, this petition is **disposed off** with liberty to the petitioner to move an application before the Executing Court for handing over the open space of land in his possession to the decree holder. If

required, a measurement could be ordered by the Executing Court so as to find out the shortfall in the land and the petitioner would pay the amount equivalent to the shortfall of land as per the ready reckoner.

3] If such an application is filed on or before 5.2.2020, the Executing Court shall consider the same on its own merits after hearing the decree holder. Needless to state that, this Court has not expressed any view with regard to the said gesture of the petitioner. This order and the offer made by the petitioner would be without prejudice to the cause of action raised in Civil Revision Application No.9/2020.

(RAVINDRA V. GHUGE, J.)