

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

13 WRIT PETITION NO.1960 OF 2021

AJIT CHANDRAKANT NAIK AND ANOTHER
VERSUS
NANDA KHANDERAO BANDGAR AND ANOTHER

...
Advocate for Petitioners : Mr. Kulkarni Krishna K.

...

CORAM : V. K. JADHAV, J.
DATE : 01.02.2021

PER COURT :-

1. Heard the learned counsel for the petitioners at length.
2. By order dated 02.03.2020, below Exh.40 in R.D.No.71 of 2000, the Executing Court has allowed the application filed by the Decree Holder for inclusion of the petitioners, as party respondents in the proceedings as Judgment Debtors. Though the learned counsel for the petitioners has raised various objections, however, the petitioners are at liberty to raise all those grounds in the pending execution proceeding and the order impugned is only to the extent of allowing the application filed by the Decree Holder Exh.40 impleading the present respondents as Judgment Debtors to the execution

proceedings. In view of the same, the various objections now propounded by the petitioners by filing the present Writ Petition, those can be raised before the Executing Court and the Executing Court is bound to consider the said grounds.

3. In view of the same, this is a premature stage to challenge the order passed below Exh.40 in R.D.No.71 of 2000.

4. Thus, with these observations, the Writ Petition is disposed off.

(V. K. JADHAV, J.)

...

vmk/-