

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO.7572 OF 2017

RADHABAI GOVIND ZAWARE THROUGH GPA
SHARDA MAHADU ZINJAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mrs. M.A. Kulkarni, Advocate for the petitioner.
Smt. Vaishali Patil, A.G.P. for respondent Nos.1 to 3.

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CORAM : **AVINASH G. GHAROTE, J.**

DATE : 19-07-2021.

ORDER :

1. Heard learned counsel for the petitioner and learned A.G.P. for the respondents.
2. By the impugned order, the execution proceedings, have been dismissed by the Executing Court for not taking steps in R.D. No. 63/2002. A perusal of the impugned order would indicate that some amount out of the decretal amount, had been deposited by the judgment debtor on 25.10.2016, and the execution proceedings came to be dismissed on 04.11.2016 for not taking steps. The period between above two dates, admittedly is too short a period, for enabling, the decree holder to take further steps. Admittedly, the entire decree has not been satisfied. In that light of the matter, the impugned order is hereby quashed and set aside.

R.D. No. 63/2002 is restored back to file. The decree holder to appear before the Executing Court, on 30th July 2021 and produce a net downloaded copy of this order before the Executing Court. The decree holder, is directed to take further steps, as are required by law, within a period of one week from 30th July 2021. It is made clear, that if any steps as are required by law are not taken, the decree holder shall not be entitled to any further indulgence from the Executing Court. Respondent No.3, is directed, to deposit the balance amount, as per the decree before the Executing Court within a period of three weeks from 30th July 2021.

3. The petition is disposed of accordingly.

(AVINASH G. GHAROTE, J.)

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