

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 11704 OF 2021
WITH CIVIL APPLICATION NO.12485 OF 2021
IN WP/11704/2021

TANVEER AVEZ NASIR MOHMMAD THANEDAR
VERSUS
IBRAHIM AHMED MOHIYODDIN PINCHANI AND OTHERS

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Advocate for Applicant : Mr. Barde h/f Mr. Shaikh Shakil U.
A.G.P. for the Respondent No. 2 : Mr. Y.G. Gujrathi.

CORAM : MANGESH S. PATIL, J.
DATE : 24.11.2021.

PER COURT :

Heard.

2. Learned advocate Mr. Barde submits that the petitioner is a *bona fide* purchaser who has purchased a piece of the suit property. He had made an attempt to raise an objection before the Tahsildar to whom the decree has been sent for execution under Section 54 of the Code of Civil Procedure. However, his objection has not been entertained. Even the Executing Court by passing a specific order declared that the execution is over. The petitioner is entitled to protect his possession. He may be granted some time to move the Executing Court requesting for adjustment of the equities.

3. Having heard the learned advocate and after going through the record it appears that the petitioner is a purchaser *pendente lite*. Needless to state that since he is claiming a right to a piece of the suit property which he has derived from one of the judgment debtors, by virtue of Section 47 read with Order XXI Rule 97 of the Code of Civil Procedure, the remedy for him would be raise a suitable objection in the Executing Court itself. This Court for the

first time without even there being any attempt on the part of the petitioner to move the Executing Court cannot grant any relief as being claimed.

4. The Writ Petition is dismissed.
5. The Civil Application is disposed of.

(MANGESH S. PATIL, J.)

mkd/-