

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14484 OF 2021

Raees Ahmed s/o. Gulam Murtuza,
Age 61 years, Occu. Service,
R/o. Victoria Chawl, Mill Colony,
Nanded, Taluka and District Nanded. .. Petitioner

Versus

1. The Nanded Textile Mill,
Through its Assistant Manager (Secretary)
Nanded, Taluka and District Nanded
2. Mohammad Iqbal s/o. Gulam Murtuza,
Age 70 years, Occu. Retired,
R/o. Bombay Chawl, Mill Colony,
Nanded, Taluka and District Nanded .. Respondents

...
Ms. Fatema S. Kazi, Advocate for Petitioner
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21-12-2021

PER COURT :-

The petition impugns the order passed by learned 2nd Joint Civil Judge, Senior Division, Nanded, below Exhibits-46 and 47, in Regular Darkhast No. 146 of 2003, thereby rejecting the application filed by petitioner / Judgment-Debtor No.2 (JD), for recall of the possession warrant with police protection issued in favour of the Decree-Holder (DH).

2. Perusal of the impugned order shows that the execution proceedings are filed in the year 2003. Earlier, possession warrants were issued against the Judgment-debtors, however, the Judgment-debtors obstructed the Bailiff from taking possession of the suit house. The Judgment-debtor is avoiding the execution of the possession warrant and obstructing the same. The application is filed by Judgment-debtor No.2 at Exhibit-46 was not argued as the Judgment-debtors and their Advocate remained absent.

3. The Executing Court, after taking into consideration the record, has rejected the application (Exhibit-46) filed by Judgment-debtor No.2/petitioner and allowed the application (Exhibit-47) of the Decree-holder, whereby, police Aid was sought for execution of possession warrant.

4. The impugned order is passed after taking into consideration the record. No illegality or perversity is found in the order impugned in the present petition. The petitioner has failed to make out a case to interfere in the extraordinary writ jurisdiction of this Court. There is no substance in the challenge raised by the petitioner in the present writ petition. Writ Petition being devoid of any merits is dismissed. No costs.

(NITIN B. SURYAWANSHI)
JUDGE