

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

WRIT PETITION NO.3854 OF 2022

**LAXMAN MAHADEO ALIAS MADHAV JADHAV
VERSUS
ASHOK HARIBHAU DABHADE AND OTHERS**

...
Advocate for Petitioner : Mr. Kishor T. Shirrurkar
Advocate for Respondent Nos.1 to 4 : Mr. S.G. Chapalgaonkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 14.07.2022

JUDGMENT :

Heard.

2. The petitioner is the decree holder still waiting for fruits of a decree for possession.

3. By the order under challenge his request to carry out amendment in the execution so as to correct the description of the suit property has been turned down.

4. Admittedly, the judgment and order passed by the trial court which is under execution had reached up to this Court in Second Appeal No.57/1983. The Second Appeal was partly allowed. Though the petitioner decree holder was found entitled to recover possession, he was held to be entitled to do so only in accordance with the description of the House No.59/1 as given in the earlier round of litigation in RCS No.145/1966. If the description now sought to be corrected is not in accordance with the decree which has already reached finality, no error can be said to have been

committed by the executing court in refusing to permit the petitioner, the decree holder to correct the boundaries.

5. Needless to state that the petitioner would be entitled to recover possession strictly in accordance with the description given in the earlier round of litigation namely RCS No.145/1966.

6. The Writ petition is dismissed.

(MANGESH S. PATIL, J.)

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