

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

947 WRIT PETITION NO.4880 OF 2022

**DILIP KERU MOTE
VERSUS
AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT THROUGH
MANAGING DIRECTOR AND OTHERS**

...

Advocate for Petitioner : Mr. Temak Rahul B.

**CORAM : MANGESH S. PATIL, J.
DATE : 08.07.2022.**

PER COURT :

Heard.

2. The petitioner is the judgment debtor No. 2 challenging the order passed by the executing court on an application of the respondent/decreed holder seeking amendment of the execution petition.

3. Even according to the petitioner, it is a money decree. A compromise in the form of one time settlement was arrived at between the decreed holder and the principal borrower. A cheque that was issued towards the payment of a part of such one time settlement amount was dishonoured and the decreed holder now intends to bring on record and restrict the execution to a specific amount covered by that cheque plus interest.

4. The petitioner is a guarantor. The executing court has merely permitted the decreed holder to make necessary correction in the execution petition. If the petitioner intends to raise any dispute as

regards execution, discharge or satisfaction of the decree, he has his own remedies under Section 47 of the Code of Civil Procedure. There is no illegality in the order.

5. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)

mkd/-