

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6274 OF 2021
WITH
WRIT PETITION NO.5026 OF 2019**

Ambaji Namdeo Gite
Deceased through LRs
Anant Ambaji Gite and Anr.

..Petitioners

Versus

Dnyaneshwar Shankar Gite and Ors.

..Respondents

Mr. Dilip Bodake, for the Petitioners in both Petitions.
None for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd JANUARY, 2022

PC.

1. This petition is by the judgment debtor questioning the very maintainability of execution proceedings in relation to partition of immovable property (house property). The submission is house property was developed by the petitioner at his cost, as such he should be appropriately compensated thereby re-demarcating the developed property and also monetarily.

2. If the aforesaid contentions of the petitioner are appreciated, the execution proceedings are going on since considerable time, as the decree was passed some fifty years back. The prayer of the petitioner is not supported by any legal provisions.

The Executing Court has already appreciated the factual position correctly. The petitioner is trying to prolong the execution. That being so, petition stands dismissed with cost of Rs.5,000/- to be deposited with Executing Court within a period of four weeks from today apportionment of which shall be decided by the Executing Court.

3. Needless to clarify that unless the cost is deposited, none of the objections of the petitioner shall be entertained.

4. In view of above order, Writ Petition No.5026 of 2019 also stands dismissed.

[NITIN W. SAMBRE, J.]