

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.516 OF 2022

M/s. Shanti Construction .. Petitioner
Versus
Kishore Baldev Ahuja & Ors. .. Respondents

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Ms.Minal J. Chandnani for the Petitioner.

Mr.Viraj Shelatkar for the Respondent No.1.

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CORAM: RAVINDRA V. GHUGE, J.
DATED : 18th JANUARY, 2022

P.C:-

1. By this petition, the petitioner has put forth prayer clause (a) as under :-

“(a) That this Honourable Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction in the nature of certiorari, calling for the records and proceedings in respect of the Special Darkhast No.5 of 2017 and after examining the legality, validity and propriety of the impugned order dated 8th January, 2021 below Exh.43 and order dated 17th September, 2021 passed below Exh.66, be pleased to quash and set aside the same.”

2. This matter was briefly heard and with the assistance of the learned counsel for the respective sides, I have gone

though the petition paper-book. There is no dispute that the objections put forth by the petitioner in Special Darkhast No.5 of 2017 are posted for hearing on 28/01/2022.

3. Considering the above ground, I find it appropriate to direct the parties to canvass their oral submissions on 28/01/2022 and request the learned Executing Court to deliver its order on the objections filed by the petitioner, on or before 05/02/2022.

4. In view of the above, this petition is disposed off with the following directions :-

(a) The petitioner as well as the decree-holders would address the Executing court on the objections filed by the petitioner.

(b) Written notes of submissions are permitted.

(c) Copies of the case law would be placed before the learned Court alongwith the written notes of submissions.

(d) The learned Executing Court would grant priority to this issue of objections and decide the same on or before 05/02/2022.

(e) Attachment of the property, if occurring in the interregnum, would be subject to the result of the Darkhast proceedings.

(RAVINDRA V. GHUGE, J.)