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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 1605 OF 2020

SUDHAKAR BALARAM BAGKAR

....PETITIONER

V/s.

**DEVENDRA SHYAMSUNDAR BAGKAR
AND ORS**

.....RESPONDENTS

Mr. Rajesh Kachare i/b Mandar P. Patil Advocate for the Petitioner
Mr. Amit S. Potnis for Respondent nos. 6, 8, 9, 12, 13 & 22
Mr. Rakesh Bhatkar a/w Mohan N. Devkule for Respondent nos. 1 to
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CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 28, 2022.

P.C.:

- 1) Heard respective counsel.
- 2) It appears that Decree which is under execution in Execution Application No. 1/2016 is ignored by the Court below while passing the order below Exh. 51 i.e. while deciding clarification sought by the Court Commissioner who was appointed pursuant to order passed below Exh. 49 on 22/06/2018.
- 3) Since the order dated 18/02/2019 passed below Exh. 51 which

is impugned herein is contrary to the very Decree which is under execution, same is quashed and set aside. Parties hereto are directed to appear before the Executing Court who shall decide Application Exh. 51 after offering opportunity of hearing to the parties.

4) Needless to clarify that Executing Court shall be sensitive to the Decree passed.

[NITIN W. SAMBRE, J.]