

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14503 OF 2022

Bapusaheb Balwant Mali
(since deceased) through Legal Heirs
Vaibhav Shamrao Patil & Ors.

.. Petitioners

Versus

Shankar Balwant Mali

.. Respondent

-
- Mr. Dheeraj Patil for Petitioners
 - None for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 30, 2022

P.C.:

- 1.** Heard.
- 2.** Perused the impugned common order dated 12.07.2022 below Exh. 1 and Exh. 185 in Regular Darkhast No. 396 of 2019.
- 3.** Admittedly, the execution proceedings were filed in 1979 for execution of decree for partition passed by the Trial Court on 07.09.1979 and subsequently modified by this Court in Second Appeal No. 712 of 1981 on 14.06.2004.
- 4.** I have perused the order dated 14.06.2004 by virtue of which Petitioners have been accorded 1/5th share in movable property only. To that extent, the order passed below Exh. 1 on 11.01.2007 declares the share of Plaintiffs to the extent of 1/5th in compliance with the High Court's order. In so far as paragraph 2 of the said order is

concerned, it does not apply to the Petitioners as it is in respect of immovable property. The common order passed below Exh. 1 and Exh. 185 takes into account the order passed by this Court in Second Appeal with respect to the share of the Petitioners and other parties. It is a well reasoned order and does not call for any interference. Hence, the impugned order is sustained.

5. Writ Petition is dismissed.

[MILIND N. JADHAV, J.]