

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11336 OF 2022
WITH
WRIT PETITION NO.11961 OF 2022

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Mahendra Balbhadra Thakkar

..Petitioner

Versus

Abdul Ali Chinwala & Anr.

..Respondents

Mr. Dakshesh Vyas a/w Nagendra Dube i/by Lex Conveniens, for the
Petitioner in WP No.11336/2022.

Mr. Nagendra Duby i/by Lex Conveniens, for the Petitioner in WP
No.11961/2022.

Mr. Yogesh S. Palve, for the Respondents in both Petitions.

CORAM : NITIN W. SAMBRE, J.

DATE : 10th NOVEMBER, 2022

PC.

1. Both these petitions are by the decree-holder
questioning the orders passed in the execution proceedings.

2. Since the decree was passed *ex-parte* at the behest of
respondents/judgment debtors, MARJI Application No.82 of 2020 is
pending consideration for setting aside *ex-parte* decree dated 22nd
January, 2020. I am informed that the said MARJI Application has
reached to the stage of final argument.

3. In this background, in view of assurance given by the

respective counsels for decree-holder and judgment-debtors, it is directed that the hearing of the MARJI Application be concluded in any case within period of ten weeks from today.

4. The fact remains that the petitioner's/decreed-holder's claim as regards fraud being practiced by the judgment debtors is already raised, same be appreciated at the time of deciding said MARJI Application.

5. Apart from above, it is made clear that in case if the MARJI Application is decided against the interest of the judgment debtors, the petitioner has every right to renew his claim for issuance of police protection for execution of the decree in accordance with law.

6. In view of aforesaid order, both these writ petitions are permitted to be withdrawn. As such, both these petitions stand dismissed as withdrawn.

[NITIN W. SAMBRE, J.]