IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3251 OF 2022

Ashok s/o Eknath Shelke and others -- Petitioners

Vs.

Pushpa D/o Raghunath Shelke and others -- Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. C.R. Sharma, Advocate for Petitioners

CORAM : MANISH PITALE, J.

DATE : 15th JUNE, 2022

By this petition, the petitioners i.e. objectors to an execution proceedings have approached this Court, challenging an order dated 14/01/2022, passed by the Court below. There were two objections raised on behalf of the petitioners before the Court below, firstly, that the execution proceeding was hit by limitation and secondly, that the decree was inexecutable.

2. Insofar as the objection regarding limitation is concerned, the learned counsel appearing for the petitioners has fairly submitted that in view of the position of law laid down and confirmed in various judgments, the said objection is not being pressed before this Court.

3. As regards the decree being rendered inexecutable, it was claimed that the decree has been passed in the context of properties, which are not owned by the parties to the litigation. This Court is of the opinion that the aforesaid objection has been dealt with in paragraph No.7 of the impugned order in a satisfactory manner. It is found that the said question can certainly not be raised in the manner in which it is sought to be raised by the objectors for the reason that the decree has already attained finality and the description of the properties mentioned in the judgment and the execution petition is the same.

4. Therefore, this Court finds no substance in the present writ petition and accordingly, it is dismissed.

JUDGE

Digitally signed by:MILIND P DESHPANDE
Signing Date:16.06.2022 10:53