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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4906 OF 2023

Osmankhan Alikhan Pathan (Died) LRs & Others PETITIONERS

VERSUS

Pathan Balekhan Pathan (Died) LRs & Others RESPONDENTS

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Mr. Sandip R. Andhale, Advocate for the petitioners

Mr. N. K. Chaudhari, Advocate for the respondents

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th SEPTEMBER, 2023

ORDER :

1. Leave to correct the prayer clause.
2. For the lapses committed by the petitioners – judgment debtors, their request to accept say below Exhibits-42 and 43 in Regular Darkhast No. 14 of 2017, is declined by the Executing Court.
3. Learned advocate for the respondent – decree holders opposed the petition contending that the judgment debtors are prolonging the matter and delaying the execution proceedings, with *mala fide* intention.

4. He may be justified in saying so, but on that ground alone, opportunity of hearing should not be denied to the petitioners – judgment debtors. In that view of the matter, this Court is inclined to allow the writ petition.

5. Writ petition is allowed, subject to the petitioners paying costs of Rs.15,000/- to the decree holders, in the Executing Court, within four weeks from the date of receipt of writ of this order.

[NITIN B. SURYAWANSHI]
JUDGE