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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3656 OF 2023

Tulsabai Eknath Chavan (Died) LR and Another PETITIONERS

VERSUS

Anubai Vithoba Chavan (Died) LRs and Others RESPONDENTS

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Mr. M.S.Kulkarni i/b Mr. S.S.Gangakhedkar, Adv. for petitioners
Mr. K.R. Doke, Advocate for respondent no.3A (i) to 3A (iv)
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[CORAM : NITIN B. SURYAWANSHI, J.]

RESERVED ON : 6th JULY, 2023

PRONOUNCED ON : 18th AUGUST, 2023

ORDER :

1. By this petition, filed under Article 227 of the Constitution of India, the petitioners – judgment debtors in Regular Darkhast No. 29 of 1997, challenge the order passed below Exhibit-218 by the Executing Court.

2. Application Exhibit-218 is filed praying to add legal heirs of judgment debtors as party respondents in the execution petition, contending that applicant Dhananjay Eknath Chavan was adopted by Tulsabai – Judgment Debtor No.4 and Vitthal Bhanudas Chavan was adopted by Champabai Bhanudas Chavan – Judgment Debtor No.6 and therefore, they are necessary

parties in the execution petition. This application is rejected by the Executing Court with costs.

3. This Court, in the order passed in Writ Petition No. 6022 of 2022 on 16th December, 2022 has held that in view of execution of the sale deed in favour of the decree holders, the decree is satisfied and executed. Hence, nothing survives in the challenge raised by the Judgment Debtors No.4 to 6 to the interlocutory orders passed in the Execution Petition.

4. Today, this Court has rejected Review Application No. 90 of 2023 filed by the present petitioners, seeking review of the said order dated 16th December, 2022. In view of the order passed in Writ Petition No. 6022 of 2022 and Review Application No. 90 of 2023 and reasons stated therein, challenge raised in the present petition is not liable to be entertained.

5. Writ petition is, therefore, disposed of in terms of the order passed in Writ Petition No. 6022 of 2022 and Review Application No. 90 of 2023.

[NITIN B. SURYAWANSHI]
JUDGE