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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12115 OF 2023

Ismail Rasool Teli and Another

PETITIONERS

VERSUS

Laxman Manilal Mochi and Others

RESPONDENTS

.....
Mr. Bharatkumar R. Warma, Advocate for the petitioners
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd OCTOBER, 2023

ORDER :

1. Petitioners challenge order passed by learned Civil Judge, Junior Division, Chopda below Exhibit-66 in R.D. No.4 of 2021, thereby rejecting the objection raised by petitioners / Judgment Debtors as to the jurisdiction of the Court.
2. Petitioners / Judgment Debtors claim that since valuation of the property of which possession is sought in the execution is more than Rs.5 lakh, jurisdiction shall lie with Civil Judge, Senior Division and not with Civil Judge Junior Division. Said objection is turned down by the Executing Court, on the ground that suit was properly valued at the time of institution and now a question is raised in Darkhast that the suit which was properly valued at

the time of its institution be again revalued. Executing Court, by taking into consideration section 15, Order 7, Rule 11 (b) of the Civil Procedure Code, has held that there is no merit in the application.

3. Heard learned advocate for petitioners. Perused memo of writ petition, its annexures and the impugned order.

4. Admittedly, the decree sought to be executed by respondent is passed on 9th December, 2011. Petitioner unsuccessfully challenged the same in appeal before District Court. Second Appeal No. 268 of 2017 filed by petitioners was dismissed by this Court on 22nd November, 2022.

5. In the backdrop of above fact, this appears to be a futile attempt on the part of Judgment Debtors, to avoid execution of decree. No case is made out by petitioners to exercise extraordinary writ jurisdiction to cause interference in the impugned order. Writ petition being without merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE