

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9486 OF 2023

Akhtarunnisa Salamatullah Kidwai And Others Petitioners

Versus

Sultuana Farzandali And Others Respondents

Mr. G.R. Syed, Advocate for the petitioners.

Mr. C.C. Deshpande, Advocate for the respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd AUGUST, 2023

ORDER :

1. Leave to correct prayer clause. Correction to be carried out forthwith.

2. Order of issuance of possession warrant, passed by learned 2nd Joint Civil Judge, Junior Division, Dhule, below Exhibit-59 in Regular Darkhast No. 40/2021, is impugned in the present petition.

3. Upon hearing the learned advocate for the petitioners and learned advocate for the respondents and on perusal of memo of writ petition, annexures and the impugned order, this Court is not inclined to interfere in the impugned order as no fault is found with the impugned order.

4. Learned advocate for the respondents/decreed holders brought to the notice of this Court the fact that the respondents/decreed holders are in receipt of notices, since 2021 that the suit property is in dilapidated condition and it should be pulled down. He submits that the decree is of the year 2018 and the petitioners/judgment debtors are avoiding execution of the same.

5. Faced with this situation, learned advocate for the petitioners/judgment debtors seeks two months time to vacate the premises on the ground that due to rainy season it is difficult to find accommodation and citing advanced age of Petitioner Nos. 1 and 4.

6. Considering these aspects, by way of indulgence, one month's time is granted to the petitioners/judgment debtors to vacate the premises. Petitioners/Judgment debtors shall file undertaking before the Executing Court that they shall vacate the suit premises by 31st August, 2023. On filing such undertaking the possession warrant shall be kept in abeyance till 31st August, 2023. With these observations, writ petition is disposed of.

[NITIN B. SURYAWANSHI, J.]