



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 15015 OF 2023

**RAUF IMAMSAB SHAIKH AND OTHERS
THR ITS POWER OF ATTORNEY HOLDER RAUF IMAMSAB SHAIKH
VERSUS
KHTEJABEE SD. OSMAN DIED
THR HER LRS HARUN SAMADSAB SHAIKH AND OTHERS**

...
Advocate for Petitioners : Mr. Deshmukh Swapnil A.

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 18th DECEMBER 2023.**

Per Court :

. Heard the learned Counsel for the petitioners.

1. This petition is directed against the order dated 25.10.2021 passed below Exhibit-176 in Regular Darkhast No.30/1975. The petitioners' application to supply original papers, is rejected by the impugned order.

2. The respondent no.1 had filed RCS No.193/1970 for administration of the estates against the petitioners' father – Imam Saheb, Raje Saheb and others. It was decreed on 19.04.1972 by the trial Court. It appears that RCA No.105/1972 was preferred. It was decided by order 21.12.1974. The respondent no.1 has filed Regular Darkhast No.30/1975. The decree holder – Imam Saheb died on 19.03.1999. The petitioners are stepping in shoes of deceased judgment

debtor. They have filed application at Exhibit-176 under Order 7 Rule 14 of CPC, seeking direction to the respondent no.1 to supply the copies of original papers.

3. Learned Counsel submits that the impugned order is perverse because it is cryptic. The petitioners need documents to challenge the decree and to raise the objection for execution. Their request is innocuous.

4. The application in question is filed under Order 7 Rule 14 of CPC. The matter is at the stage of execution and under Order 7 Rule 14 cannot be invoked. If the petitioners are stepping in shoes of deceased judgment debtor, then they are bound by the decree and they have other means to secure the documents. The application of the petitioners is vague. There is no statutory provision for directing decree holder to supply the documents to the judgment debtor in the execution.

5. I do not find any perversity or illegality in the impugned order. The writ petition is dismissed.

[SHAILESH P. BRAHME, J.]

Najeeb.