

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3877 OF 2022

Ramchandra Dnyanu Bhopale
since deceased through LR's.

...Petitioners

Versus

Anandibai Dnyanu Bhopale
since deceased through LR's. and Others ..Respondents

Mr. J. D. Khairnar for the petitioners.

Mr. Chetan Patil i/b. Mr. Mandar Bagkar for Respondent Nos.2(a) to 2(d).

Coram : Sharmila U. Deshmukh, J.

Date : 11th July , 2023.

P. C. :

1. Heard.
2. The challenge in the Petition is to the order dated 2nd March, 2022 passed by the Executing Court below Exhibit 45 filed in Regular Darkhast No.40 of 2019.
3. Learned counsel appearing for the Petitioners submits that by the decree possession of the suit property was directed to be handed over to all the legal heirs of deceased Plaintiff No.1. He would contend that the execution proceeding seeks eviction of the Petitioner, who is also one of the legal heir of the deceased Plaintiff No.1.
4. Learned counsel appearing for the Respondent No.2(a) to 2(d)

submits that as the Petitioners obstructed the entry of the other legal heirs of the deceased plaintiff No.1 in the suit property, the Execution Application was filed. He would contend that there is no prayer sought for eviction of the Petitioner, who is also one of the legal heirs of the Plaintiff No.1.

5. Learned counsel on instructions submits that there is no lock installed by him on the suit property and all legal heirs of the Plaintiff No.1 are entitled to possession of the suit property which will not be obstructed by the Petitioners. As such there is nothing further which requires consideration in the Writ Petition.

6. Writ Petition stands disposed of in view of the statement of learned counsel for the Petitioners.

[Sharmila U. Deshmukh, J.]