

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7762 OF 2023

Vasant Maruti More, deceased through
heirs and legal representatives

Alka Vasant More & Anr.

... Petitioners

V/s.

Ishwara Joti More

... Respondent

Mr. Nilesh Wable i/by Mr. Umesh R. Mankapure for the
petitioners.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 5, 2023

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, the judgment debtor is challenging order dated 5 April 2023 passed by Civil Judge Junior Division, Palus in Execution Petition No.27 of 2010 appointing District Inspector of Land Records to measure City Survey No.2422 with the assistance of the bailiff.
2. In my opinion, the order passed is in furtherance of powers conferred on the Executing Court under Section 47 of the Civil Procedure Code, 1908.
3. The Apex Court in **Pratibha Singh & Anr. v. Shantidevi Prasad & Anr.** reported in (2003) 2 SCC 330 has held that the Executing Court has power under Section 47 of the Code of Civil Procedure,

1908 to ascertain exact location of the suit property in case of ambiguity of the suit property.

4. Therefore, in my opinion, the impugned order needs substantial justice. There is no legal infirmity in the impugned order.

5. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)