

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15017 OF 2022

Shabira Sattar Inamdar

Since deceased through LRs

....Petitioners

V/S

Imtiyazbi Aminnuddin Kazi & Anr.

....Respondents

...

Mr. A.A.Devkhile for the Petitioners.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 23 JANUARY 2023.

P.C.:

1 By this Petition, Petitioners challenge the order dated 16 April 2022 passed by the Executing Court appointing the Commissioner to measure the suit property and suggest the equitable partition.

2 The only objection raised by the learned Counsel appearing for Petitioners to the impugned order is that though the shares of the original parties to the suit are decided in the decree dated 17 February 1994, there are subsequent developments resulting in change of such shares. In my view, mere passage of time and occurrence of subsequent events during the intervening period cannot be a reason for creating hurdles in execution of decree. The Appellate Court has rightly appointed the Commissioner to

suggest the equitable partition. The order does not suffer no any error. The Petition is devoid of merits and the same is dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)