

VRJ

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

WRIT PETITION NO.6520 OF 2023

Mohd Ismail Mohd Swaleh ... Petitioner
V/s.
 Haji Nishar Ahmad Shabbir Ahmad
 & Ors. ... Respondents

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JADHAV
Date:
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**WITH
WRIT PETITION NO.7823 OF 2023**

Mohd Ismail Mohd Swaleh ... Petitioner
V/s.
 Haji Nishar Ahmad Shabbir Ahmad
 & Ors. ... Respondents

Ms. Rukmini Khairnar i/by Mr. Pramod Joshi for the
petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 5, 2023

P.C.:

1. The order impugned is capable of being challenged in the appeal against the decision in objection proceedings in case the proceeding is decided against the petitioner. Therefore, the provisions of Section 105(1) shall apply to the proceedings under Order 21 Rule 97 of the Civil Procedure Code, 1908. Hence, interference at this stage under Article 227 is uncalled for.

2. The writ petitions stand dismissed. No costs.

(AMIT BORKAR, J.)