

Nikita

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

WRIT PETITION NO.3289 OF 2021

Digitally
signed by
NIKITA
KAILAS
DARADE
Date: 2023.08.29
14:35:47
+0530

Minaj M. Mujawar and Ors. ... Petitioners

V/s.

Badshah G. Mujawar and Ors. ... Respondents

Mr. Suryajeet P. Chavan for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 28, 2023

P.C.:

1. The petitioners who had filed an application under Order 1 Rule 10 of Code of Civil Procedure, 1908, in execution petition, is challenging rejection of such application.

2. According to him, he is joint owner of the property in relation to which the decree for specific performance, and possession is sought. If that be so, appropriate mode of raising grievance would be under Order 21 Rule 97. However, this observations is made without adjudicating on the rights of the petitioners as to whether the petitioners have any right, title and interest in the suit property.

3. Present petition cannot be entertained as provisions of Order 1 Rule 10, are not applicable to execution proceedings.

4. The writ petition stands dismissed.

(AMIT BORKAR, J.)