

VRJ

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

WRIT PETITION NO.8467 OF 2019

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
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Date: 2023.08.28
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Sterling Motor Garage Through the
Proprietor Avtar Singh Mangal Singh
Ahedi

... Petitioner

V/s.

Sheerali Khan Mohamed Menekia
Through its Constituted Attorney Bipin
Chimanlala Shah & Ors.

... Respondents

Mr. R. H. Haridas with Mr. Tushar Sonawane for the
petitioner.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 28, 2023

P.C.:

1. It appears that Special Civil Suit No.37 of 1980 was decreed by judgment and decree dated 4th February 1988. According to the petitioner, the property described by Map below Exhibit-108 has been handed over to the decree holder. According to the petitioner, application below Exhibit-212 has not been adjudicated on merits. Therefore, it would be in the interest of justice that the executing Court would decide application below Exhibit-212 on its own merit after giving opportunity of hearing to both parties.

2. With this clarification, nothing remains to be adjudicated in the present writ petition. The civil writ petition is, therefore, disposed of. No costs.

(AMIT BORKAR, J.)