

VRJ

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

WRIT PETITION NO.10676 OF 2023

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Suresh Rambhau Boraste & Ors.

... Petitioners

V/s.

Babu Pandu Bhoi (Deceased) Through
Legal Heirs

... Respondents

Mr. Sachin Gite for the petitioners.

Mr. Prashant Rathod for respondent No.1(b).

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 3, 2023

P.C.:

1. The judgment debtor is challenging impugned order rejecting his application under section 47 of the Civil Procedure Code, 1908, raising dispute in relation to description of property.
2. It appears that the plaintiff described suit property by mentioning four boundaries of the suit property in the plaint. The decree passed by the Court is in relation to the suit property which is identifiable by the boundaries.
3. It is, therefore, duty of the executing Court to deliver possession of the suit property described by boundaries by the plaintiff in his suit. Since the decree holder has described the suit property as bounded by boundaries in the plaint, the executing Court is under obligation to deliver possession of the suit property

described in paragraph No.1 of the suit claim. Hence, no interference in the impugned order is called for.

4. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)