

Nikita

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

WRIT PETITION NO.3982 OF 2023

M/s. Jayantilal Investments ... Petitioner

V/s.

Madhuvihar Co-op Hou. Soc. Ltd. and
Ors. ... Respondents

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Mr. Gauraj Shah a/w Mr. Vipul Makwana i/b Mr. Yatin
R. Shah, for the Petitioner.

Mr. Kumaresh Purohit i/b Mr. R.S. Upadhayay, for
Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 14, 2023

P.C.:

1. Challenge in this petition is to the order passed by the Executing Court along the chamber summons of decree holder to amend the decree.
2. The petitioner is challenging the order on the ground that the decree holder is not entitled on merits to get relief prayed. In my opinion the Executing Court has allowed amendment of execution petition. Whether, the decree holder is entitled to the relief prayed or not, that stage is yet to arrive. The rights of the petitioner are not affected by the impugned order as the Executing Court will decide as to whether relief prayed by the decree holder needs to be allowed or not.

3. With this clarification, no interference under Article 227 of the Constitution of India is called for.
4. All questions of both the parties are kept open.
5. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)