

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3751 OF 2023

Heerabai Shrikrishna Chindarwar thr L.Rs and ors __ Vs. __ Vijaybai Digambar
Banginwar thr L.Rs. and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B.B.Mehadia, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 20/06/2023

1] Mr. Mehadia, learned counsel for the petitioners submits that since it is alleged that the respondent nos. 1 & 2 are the transferors from the original judgment debtor, they would not have any right under Order 21 Rule 102 of the CPC . However, since the application at Exh. 28 does not spell this out, nor does it lay a foundation for that proposition, on instructions he seeks to withdraw the petition with liberty file an appropriate application laying down the basic foundational facts for the purpose of invoking the provisions of Order 21 Rule 102 of CPC and other applicable provisions of the CPC before the learned executing Court.

2] The statement is accepted. The petition is dismissed as withdrawn with liberty as prayed for.