



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

WRIT PETITION NO.5298 OF 2023

Narayan Pandhari Wazire Vs. Prakash Shankar Manatkar and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri O.Y. Kashid, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATE : 21.08.2023

1. In the present writ petition, the order below Exh.28 dated 14.07.2023, rejecting the application moved by the judgment debtor for preventing the decree holder from taking coercive action and for grant of status quo, is under challenge.

2. The learned Executing Court while rejecting the application has recorded the following reasons:

“5. Upon perusal of record particularly order dated 09/03/2023 passed by Hon’ble Bombay High Court Nagpur Bench in Writ Petition No.2650-2021, it appears that J.D. has directed to obtain permission from Pollution Control Board for carrying on the business. There is no dispute that suit property on which J.D. is doing business of fabrication and welding falls in white category. Therefore, it is clear that, J.D. has no option but to obtain permission from Pollution Control Board for doing his business. Once it is directed by Hon’ble Bombay High Court, Nagpur Bench in aforesaid Writ Petition then this Court has no option but to execute the decree passed by Hon’ble District Court in R.C.A. No.173/2009 dated 04/02/2011 unless there is stay of Hon’ble Bombay High Court Nagpur bench to the present Darkhast....”

3. Thus, in light of the order dated 09.03.2023 passed by this Court in writ petition No.2650 of 2021 and as observed by the

Executing Court, I do not find any illegality committed by the Executing Court, particularly when nothing has been pointed out contrary to the observations made by the learned Executing Court. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]