

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

Writ Petition (WP) No. 5957 of 2022

Shri Manoj Prabhakar Raut

Versus

Shri Sunil Prabhakar Hardas

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

Court's or Judge's Order

Shri A.V.Lokhande, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 25th JANUARY, 2023.

Heard.

2. In this writ petition, the order below Exh.49 dated 26th March, 2021 passed by the 13th Joint Civil Judge, Senior Division, Nagpur rejecting objection raised to the execution of decree passed in favour of the Decree Holder on 4th May, 2012, is under challenge.

3. Learned counsel for the petitioner submits that the objector is the son of Prabhakar- a judgment debtor who filed the suit for partition, separate possession and permanent injunction in respect of same property claiming right in the suit property.

4. The learned Executing Court while rejecting the application, has observed that the decree

was upheld upto High Court and thereby findings recorded to the effect that once the claim of ownership as made by the defendant no.1, father of the petitioner, in all the Courts was rejected, question of his son claiming any right in the suit property does not arise. Thus, the claim of the petitioner as owner was rejected by all the Courts and by filing objection, the petitioner is claiming share in the property of his father, treating him as an owner of the suit property, is itself baseless.

5. In view of the observations made by the learned Executing Court that the claim of the petitioner as owner was itself baseless, I am of the opinion that objection is frivolous, which was rightly rejected by the learned Executing Court. Hence, I do not find any merit in this writ petition and accordingly, it is dismissed.

[ANIL S. KILOR, J.]

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