



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 WRIT PETITION NO. 1684 OF 2024

SHARI ALIAS SHARIKA BEGUM MOMMAD YUSUF KHAN DIED THR
LRS MOHAMMAD YUSUF MOHAMMAD HANEEF AND OTHERS
....Petitioners

VERSUS

THE STATE OF MAHARASHTRA THE SECRETARY AND OTHERS
.....Respondents

.....

Mr. D. A. Bide and Mr. T. C. Sonawane, Advocate for the Petitioners
Mr. S. B. Narwade, AGP for the Respondents-State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 12th February, 2024

ORDER:

1. Considering the view expressed by the Hon'ble Supreme Court in National Highway Authority of India Vs. Sheetal Jaideo Vade & others, dated 24.08.2022 in Civil Appeal No.5256 of 2022, we would not pass orders directing the Executing Court to execute the decree. Suffice it to say, that since Darkhast No. 199 of 2022 is just more than one year old and the judgment and decree is of 06.12.2019, we would not pass an order of expediting the proceedings, since there are several litigants who are in queue to get their decrees executed. Merely because the Petitioners have approached the High Court would mean that this Court should grant precedence to this matter over all other litigants who are in queue before the Executing Court.

2. We, therefore, grant liberty to the Petitioners to approach the Executing Court and depending upon the pendency of the execution proceedings, make a request for an early hearing in the matter.

3. In view of the above, **this Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan