



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**24 CIVIL APPLICATION NO. 6162 OF 2023
IN WP/6220/2021**

SHANTABI SITARAM PHIRKE THROUG LRS SURESH LRS SUNANDA
SURESH PHIRKE AND OTHERS

VERSUS

VASUDEO ANAND PATIL AND OTHERS

...

Advocate for Applicant : Mr. Imale Ramesh Ramdas
Advocate for Respondents No.1 and 3 : Mr. D. R. Maarkad

...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 26, 2024

PER COURT :-

1. The present application is filed for restoration of Writ Petition No.6220 of 2021, as there is no objection from other side, the same is allowed and disposed of.

2. Heard the learned Advocate for the applicant. The decree holder applied under Order 21 Rule 35 of the Code of Civil Procedure in terms of the decree for possession warrant of the suit property. The same was issued by the executing Court by order dated 05/03/2020. Against the said order dated 05/03/2020 issuing possession warrant, the present petition is filed. The writ petition was dismissed for non prosecution. The same stands restored, however on the merits of the writ petition, I see no reason to

interfere with the impugned order as the second appeal so also the SLP against decree passed by the Trial Court is dismissed, and that there is no other objection raised for stalling the execution of the decree.

3. In view of the above, the Writ Petition is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.