



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO. 4413 OF 2024

LAXMAN MANILAL MOCHI AND ANOTHER
VERSUS
ISMAIL RASOOL TELI AND OTHERS

...

Advocate for the Petitioner : Mr. Shah Mohit S.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 29th APRIL, 2024

PER COURT:

1. Heard.
2. The learned counsel for the petitioners submits the decree of possession is confirmed up till the Hon'ble Apex Court and the decree is resisted in the execution proceedings by filing 17 different applications by the same contesting respondents. In the 17 applications filed, only 7 are decided and one of the order against which the Judgment debtor had filed the writ petition and the same was decided by this court by order dated 03.10.2023 in writ petition no.12115 of 2023, wherein this court at para 5 observed that the judgment debtor is trying to avoid the execution of the decree.
3. The trial court by the impugned order has deferred the execution till the disposal of the remaining applications under section 47

of the CPC and, thus, the learned counsel submits that the possession warrant has to be granted, as the frivolous attempts are made by the said defendants.

4. On hearing the learned counsel for the petitioners instead of considering the relief of directing possession warrant it would be more appropriate to direct the civil judge that the objections under section 47 shall be decided as expeditiously as possible and, preferably, within a period of four (04) months from the date of production of the order of this court and, thereafter, proceed to pass appropriate orders in law in the execution proceedings.

5. With the above direction, the writ petition is disposed of.

[ARUN R. PEDNEKER, J.]

marathe