



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

909 WRIT PETITION NO. 8096 OF 2024

Sk Kausarbi Alias Kesharbi Sk Ratan And Others

VERSUS

Ramchandra Trimbakrao Katruwar

...

Advocate for the Petitioner : Mr. Pravin N Kalani

...

CORAM : ARUN R. PEDNEKER, J.

Dated : October 09, 2024.

PER COURT :-

1. Heard the learned counsel for the petitioner. This petition is filed by the judgment debtor seeking the appointment of a competent civil engineer to determine the nature of the construction and to demarcate the boundaries of Plot No. 63 from Survey No. 315 and Survey No. 316.
2. In view of the decree passed in Special Civil Suit No. 41/2012 on 29/11/2017, the judgment debtor was directed to deliver vacant possession by removing the existing temporary structure on the suit plot No. 63, part of land Survey No. 315 and 316 of Parbhani. As this is an execution proceeding, and the executing court cannot go beyond the decree, as well as the fact that the decree under execution has been confirmed in both the first and second appeal, no further issues regarding the nature of the property or its identity can be raised. The executing court is bound by the decree, which has been upheld in both appeals.
3. In view of the same, the petition is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.