



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 SECOND APPEAL NO. 127 OF 2013

Mohd Jadved S/o Mohd. Hasham Qureshi
& anotherAppellants

VERSUS

Mahant Krishnaraj Shevlikar Baba
& anotherRespondents
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Mr. P. P. Patni along with Mr. A. S. Bajaj, Advocates for Appellants

CORAM : R. M. JOSHI, J.

DATE : 12th FEBRUARY, 2024.

PER COURT :

1. This second appeal takes exception to the judgment and order in Regular Civil Appeal No. 27/2008 whereby the order dated 25th January, 2008 passed by Civil Judge Junior Division, Jalna in Regular Darkhast No. 77/2006 below Exhibit 33 and 34 came to be confirmed.

2. The facts which led to filing of present appeal can be narrated in short as under :-

Original plaintiff filed suit for specific performance of contract bearing Special Civil Suit No. 48/1988. The said suit came to be decreed. The said judgment was confirmed by the First

Appellate court in Regular Civil Appeal no. 27/2008. Judgment Debtor who filed second appeal against the said judgment has withdrawn the appeal. It is thus clear that the decree passed by the Trial Court has attained finality.

3. Appellant is the obstructionist who has raised objection with regard to maintainability of the darkhast. Though it is so, undisputedly, now the sale-deed has already been executed in favour of the Decree Holder through the Court Commissioner. As such, nothing survives in the appeal. Appeal stands disposed of.

4. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb