



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 1028 OF 2024

Nanda Babasaheb Ugale Through Gpa Vijaykumar Babasaheb Ugale
.....Petitioner

VERSUS

Sushilabai Kashinath Devkate
.....Respondent

.....
Advocate for the Petitioner : Mr. Kokate Madan S.

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 30, 2024

PER COURT :-

1. By the present writ petition, the petitioner is challenging the order dated 6.5.2023 passed by the 2nd Joint Civil Judge, Senior Division, Shrigonda below Exh. 28 in Final Decree Application No. 1/2021, rejecting the application, on the ground that the application for execution of the decree is filed within the period of limitation.
2. On perusal of the impugned order, it reveals that judgment and decree in R.C.S. No. 63/2000 was passed on 24.1.2012. Aggrieved thereby, the petitioner had preferred Regular Civil Appeal No. 72/2012 before the District Court and the same was decided on 24.10.2018. Certified copy of the judgment in appeal was received by the applicant on 30.4.2019. As such the execution application dated 1.1.2021 is preferred within a period of three years from the date of decree of the appellate court.
3. I see no reason to interfere in impugned order as the application filed for execution is not barred by limitation. In the result, the writ petition is dismissed.
4. However, it is made clear that the observations made in this order does not preclude the petitioner to raise any other objection on merits in the execution proceedings, as may be available in law.

(ARUN R. PEDNEKER, J.)

ssc/