



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

922 WRIT PETITION NO. 10616 OF 2024

**MAIMUNA HAMID MIYAN DESHMUKH AND OTHERS
VERSUS
RAJU MIYA AZIZMIYA DESHMUKH AND OTHERS**

...
Advocate for the petitioners : Mr.Vinod I. Thole

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CORAM : ARUN R. PEDNEKER, J.
DATE : 08.10.2024

P.C. :

1] By the present petition, the petitioners challenge the order dated 26.08.2024 passed by the Joint Civil Judge Junior Division, Sillod, District Aurangabad in Regular Darkhast No. 10/2023 whereby the objection filed by the petitioners under Section 47 of the Civil Procedure Code is rejected.

2] The learned counsel for the petitioners submits that the original decree is to the extent of 2 Acres 24 Gunthas. However, the boundaries taken in execution proceedings are beyond 2 Acres 24 Gunthas and the same is not in consonance with the original decree passed.

3] Perusal of the application and order would indicate that the objection raised before the Executing Court related to the suit property which is already described in the plaint on which the decree is passed and is affirmed up to the Hon'ble Supreme Court. The said decree is put in execution. The defendants-judgment debtors had contended in the written statement that they have purchased the suit property. The identity of suit property was never in dispute before the Court in the civil suit. The execution is also for 2 Acres and 24 Gunthas of land. The petitioners are the legal heirs of original judgment debtors and they have no independent right in the suit property. As such, the application / objection is devoid of any merit and is rightly dismissed by the Executing Court as the execution is only to the extent of 2 Acres 24 Gunthas in land Gat No.341. The present Writ Petition is accordingly dismissed.

[ARUN R. PEDNEKER]
JUDGE

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