



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11839 OF 2023

PANDURANG RAMBHAU ADHAV

VERSUS

SHANTINATH SHRIPATI ADHAV DECEASED THROUGH LRS DADABHAU
SHANTINATH ADHAV AND OTHERS

Ms. Nandini Chittal h/f Mr. P. P. Kothari, Advocate for the petitioner
Mr. R. A. Tambe, Advocate for respondent Nos. 1, 3 to 6.

CORAM : R. M. JOSHI, J.

DATE : 11th JUNE, 2024

PER COURT :-

1. Heard the learned counsel for the both sides extensively. When this Court has shown its disinclination to cause interfere in the impugned order, the learned counsel for the Petitioner, on instructions, seeks withdrawal of the petition with liberty to prefer appropriate application before the Execution Court raising the issue of incorrect execution of decree.

2. Learned counsel for the respondents opposed the said request on the ground that even perusal of the application made before the Execution Court does not specifically states about the more than decreed area of the land has been given into the possession of the decree holder.

3. By keeping the contentions of the rival parties open for consideration by the Execution court, it would be open to the petitioner/ judgment debtor to prefer appropriate application in respect of alleged incorrect/inappropriate execution of decree as provided by law. If any such application is filed, Execution Court to decide the same in accordance with law.

4. Petition stands disposed off in above terms.

(R. M. JOSHI, J.)

ssp