



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12986 OF 2023

ISHWAR SAMBHU BHISE

VERSUS

ANUSAYA MANIK SHINDE DIED THROUGH LRS VITTHAL
MANIK SHINDE AND OTHERS

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Mr. N. B. Narwade, Advocate for Petitioner

Mr. P. K. Lakhotiya, AGP for Respondent – State

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 30.01.2024

PER COURT :-

1. A prayer is made that this Court should issue a Writ of Mandamus to the learned Joint Civil Judge Junior Division, Karjat and direct him to execute the Regular Darkhast No.14 of 2020.

2. We are aware of the observations made by the Hon'ble Supreme Court in its order dated 24.08.2022 passed in *Civil Appeal No.5256 of 2022 (National Highways Authority of India Vs. Sheetal Jaidev Vade and others)*, AIR 2022 SC 3980.

3. In view of the above, we are not inclined to issue any orders for several reasons. Firstly, we would not issue such

directions to the learned joint Civil Judge Junior Division, Karjat, when we do not have enough material before us to conclude that the learned Judge is delaying the matter. Secondly, the Regular Darkhast No.14 of 2020 is filed in 2020 and cannot be termed to be an old proceeding. Thirdly, there is bound to be pendency before the said Court. Fourthly, in view of the observations in *NHAI Vs. Sheetal Jaidev Vade (supra)*, we would not pass such an order.

4. In view of the above, **this Petition is disposed off**. Liberty is available to the Petitioner to request the executing Court to deal with the case expeditiously in the light of the sole decree holder being 85 years old. The Rozanama indicates several instances of absence even by the decree holder. All the litigating parties shall avoid unnecessary adjournments.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS