

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8487 OF 2018

VAIBHAV
RAMESH
JADHAV
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Date: 2024.12.04
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Sarojini Gundappa Nikam

... Petitioner

V/s.

Yashoda Gundappa Nikam & Ors.

... Respondents

Mr. Umesh Mankapure for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2024

P.C.:

1. The judgment debtor suffering decree for possession raised objection regarding description of the suit property. The executing Court repealed the contention by recording a finding that similar contention raised at the time of disposal of the suit had been adjudicated on merits and Courts have recorded a finding that description of the suit property is correct. Once the issue had attained finality during the course of suit, such issue cannot be raised in the execution. It is obvious that the executing Court is bound to execute the decree as per the description of the suit property in the plaint. With this clarification, the writ petition is disposed of.

2. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)