

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.569 OF 2019

SHABNOOR
AYUB
PATHAN

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Harishchandra V. Kumbhar

... Petitioner

V/s.

Sanjay Kashinath Velhal & Anr.

... Respondents

Ms. Siddhi Bhosale a/w Mr. Atharva Jagtap for
petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 11, 2024

PC.:

1. The petitioner (judgment-debtor) who was party to the suit has filed an application under Section 47 of the Code of Civil Procedure, 1908 raising dispute in relation to identity/description of the suit property, such objection is beyond purview of power of the Executing Court under Section 47 of the Code of Civil Procedure, 1908, in view of judgment in *Dhurandhar Prasad Singh Versus Jai Prakash University And Ors.*, reported in 2001 (6) SCC 534. Therefore, the Executing Court has rightly rejected the application. Hence, no interference is called for. The writ petition stands dismissed.

(AMIT BORKAR, J.)