

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10838 OF 2016

Sanjay Balasaheb Powar

.. Petitioner

Versus

Ashok Ramchandra Powar

.. Respondent

.....

- Mr. Drupad Patil a/w. Mr. Namitkumar S. Pansare, Advocates for Petitioner.
- Mr. D.V. Sutar a/w. Kiran G. Kulkarni and Mr. Deepak Jain, Advocates for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024.

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Sutar, learned Advocate for Respondent at length.

2. Perused the impugned order dated 13.08.2015 passed in Application below Exhibit “54” in Regular Darkhast No.23 of 2004 and after ascertaining the settled case law on the issue argued before me today, the impugned order dated 13.08.2015 is quashed and set aside reserving liberty to the Respondent No.5 i.e. the successor-in-title of the original Defendant No.1 in Execution proceeding No.23 of 2004 to take out appropriate Application as available to him in law for placing on record his defence of having accrued substantive right and title in the Suit property in respect of which Execution proceedings have been filed for executing the decree of permanent injunction.

3. Both the learned Advocates are *ad idem* that no reasons are required to be given by the Court and hence in that view of the matter, no reasons are assigned.

4. Needless to state that all contentions of the parties as available to them strictly in accordance with law are expressly kept open before the Executing Court or any other Court before which Respondent No.5 desires to pursue his remedy.

5. In view of the above, the impugned order dated 13.08.2015 is quashed and set aside.

6. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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