

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1863 OF 2024

Raosaheb Rama Awale

.. Petitioner

Versus

Arun Bhima Mang/Awale and Ors.

.. Respondents

.....

- Mr. Manoj Patil, Advocate for Petitioner.
- Mr. Yogesh Morbale, Advocate for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 21, 2024

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Morbale, learned Advocate for Respondents – Decree Holders.

2. Mr. Morbale would submit that by virtue of the possession of the suit property having been given to the Decree Holders by the Court Bailiff as per Bailiff Report and possession panchnama as stated in the report filed by Assistant Superintendent of Civil Court, Jaysingpur, nothing survives in the present Writ Petition since challenge is maintained to execution of decree.

3. Mr. Patil would submit that Bailiff report dated 04.04.2024 and duly endorsed by the Asst. Superintendent on 08.04.2024 has been prepared behind the back of the Judgement Debtor. He would submit that there was no knowledge or intimation about the same and possession of the suit property having been given to the Decree

Holders and infact the possession of the suit property is still with the Judgement Debtor namely Writ Petitioner before the Court.

4. A copy of Bailiff Report dated 04.04.2024 duly endorsed by Superintendent on 08.04.2024 is handed over to Mr. Patil. He seeks leave of the Court to amend the present Writ Petition and challenge the same. Leave to amend is granted. Necessary amendment is permitted to be carried out within a period of one week from today. Re-verification is dispensed with. Amended copy be served on Respondents.

5. List the Writ Petition on **05th July, 2024 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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