

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17076 OF 2024

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Ramprabhu Gopinath Kapse

...Petitioner

V/s.

Shevantabai Baburao Kapse

...Respondent

WITH
WRIT PETITION NO.3558 OF 2022
[NOT ON BOARD, TAKEN ON BOARD]

Ramprabhu Gopinath Kapse

...Petitioner

V/s.

Shevantabai Baburao Kapse

...Respondent

Mr.Ashutosh M. Kulkarni a/w Mr.Akshay Kulkarni:-	Advocates for Petitioner.
No one is present:-	On behalf of Respondent.

CORAM : S. M. MODAK, J.

DATE : 26th NOVEMBER 2024

P. C. :-

1. Mentioned out of turn.
2. Heard learned Advocate Shri.Kulkarni for the Petitioner –
Judgment-Debtor.

3. The original Decree has attained finality. First Execution Application was dismissed. On this background, the Plaintiff sought clarification from the Appellate Court. It was done on 26th October 2018. (Page No.58). This is subject matter of challenge in Writ Petition No3558 of 2022. Today, it is not on board being not circulated.

4. In this Petition, the Petitioner has challenged the order dated 14th October 2024 passed by the Executing Court. (Page No.109). The request of the Petitioner-Judgment-Debtor to adduce evidence to bring on record actual situation on the suit land is rejected. The Executing Court has considered the report given by the Bailiff and the estimate of crop standing as Rs.13,000/- (Rupees Thirteen Thousand). That is why, the Executing Court accepted the willingness of the Decree-Holder to deposit Rs.13,000/- (Rupees Thirteen Thousand) and issued a fresh possession warrant on 14th October 2024. (Page No.110).

5. Tomorrow, the matter is fixed before the Executing Court for taking Police protection for execution of the possession warrant. The Petitioner is at liberty to inform the Executing Court that this Writ Petition is kept by this Court on 17th December 2024 and seek adjournment and for that date, it be accepted. Parties to act on an authenticated copy.

6. Issue notice before admission to the Respondents. Private notice, in addition, is allowed. Affidavit of service be filed.

WRIT PETITION NO.3558 OF 2022

7. This Petition is not on board. It is taken on board. No notice was issued. In this Petition, the order passed by the Appellate Court 26th October 2018 is under challenge.

8. Issue notice before admission. Private notice, in addition, is allowed. Affidavit of service be filed.

[S. M. MODAK, J.]