

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2987 OF 2019

(Sunil s/o. Gangadhar Fating and others Vs. Chandulal s/o. Ladhaji Tilwa and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of direction,
and the Registrar's orders.*

Court's or Judge's order

Mr. B.W. Patil, Advocate for Petitioners.
Mr. R.R. Rathod, Advocate for Respondent No.1.

CORAM : ABHAY J. MANTRI, J.

DATE : SEPTEMBER 12, 2024.

Heard, the learned counsel for the parties at length.

2. The petitioners are challenging the order dated 28.03.2019, passed by Joint Civil Judge Jr. Division, Umrer, in Regular Darkhast No 30/2014, whereby rejected the application filed by them to permit them to intervene in the proceedings and direct police aid for the execution of the decree.

3. Perused the impugned order and record.

4. At the outset, it appears that respondent No.1 decree holder has filed an execution proceeding bearing Regular Darkhast No. 30/2014. During the pendency of said proceedings, the petitioners moved an application to permit them to intervene. The said application was rejected, holding that the decree has attained finality and that the Court cannot go beyond

the decree. The application was rejected, and consequently, the order providing police aid was passed.

4. The petitioners failed to show as to how the impugned order is erroneous to cause interference in it in the writ jurisdiction. On the contrary, it seems that neither the original defendants nor the intervener have challenged the Decree in appeal. Thus, it is apparent that, as observed in the impugned order, the decree attained finality. Therefore, I do not find substance in the petitioners' contention permitting them to intervene in the proceedings. *Moreover*, the petitioners failed to show how their rights are prejudiced due to the execution of the decree; therefore, they could be permitted to intervene as a party to the petition. Apart from the above, the petitioners are the legal heirs of respondent No.2/original defendant; that being so, they have to step into the shoes of respondent No.2.

5. In the aforesaid background, I do not find substance to cause interference in the impugned order in the writ jurisdiction.

6. The petition is bereft of merit and stands dismissed. As a sequel, interim relief is vacated. No costs.

7. Inform the Trial Court accordingly.

(ABHAY J. MANTRI, J.)