



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

Writ Petition (WP) No. 6757 of 2024

Kishor Tryanbak Khade

Versus

Purushottam Harishchandra Khade and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A.Bhate, Advocate for the petitioner.

CORAM : N.R.BORKAR, J.

DATED : 25th NOVEMBER, 2024.

This petition takes exception to the order dated 12th November, 2024 passed by the Civil Judge, Senior Division, Khamgaon below Exhibit 56 in Regular Darkhast Case No. 49 of 2012.

2. The order impugned read thus.

“Perusal of the report it appear that the property is locked. Hence bailiff is permitted to break open lock as per Order 21 Rule 35(3) of the Code of Civil Procedure. Police aid allowed as prayed for.”

3. By another order passed on the same day, the learned Executing Court has rejected the application filed by the petitioner to stay the order impugned. The said order reads thus:

“Perused the application. The execution petition pertains to year 2012 and the decree is not challenged till date. It appears that the J.D. is not handing over the possession of the property as per decree. Therefore necessary order is passed on Exh. 56. It appears that J.D. is delaying the execution. Hence application is filed to delay the execution and, therefore, not maintainable. Hence application stands rejected.”

4. I have heard the learned counsel for the petitioner.

5. The petitioner succeeded in delaying the execution of the decree for 12 years and this petition is one more attempt to further delay the execution of the decree. I am, therefore, not inclined to entertain the present petition. The petition is dismissed.

[N.R.BORKAR, J.]