



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

Writ Petition No.7169/2024

Sitabai V Mangal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Khati, Advocate for petitioner.

CORAM : N.R. Borkar, J.

DATE : 12-12-2024.

This petition takes exception to the order dated 06-12-2024 passed by Executing Court below Exhibits-16 and 32 in Special Darkhast No.23/2014.

ii. By the order impugned, the learned Executing Court has rejected the objection filed by the present petitioner/judgment debtor under Section 47 of the Code of Civil Procedure.

iii. The learned Counsel for the petitioner submits that the decree of possession is in respect of premises situated on City Survey No.818, whereas the petitioner is the tenant and is in possession of the premises situated on City Survey Nos.804, 805 and 806. It is submitted that, the decree therefore cannot be executed against the premises in possession of the petitioner.

iv. I have perused the plaint and the suit premises is described as Municipal Corporation House No.344. It is not the case of the petitioner that she is in occupation of some other premises and not the suit premises as described in the plaint.

v. The petition is dismissed.

(N.R. Borkar, J.)