

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3752 OF 2022

Shaikh Hussain Noormohammod Died Through Its Lrs Shaikh Jubeda
Hussain

VERSUS

Jaibunisa Sayyed Gulab Died Through Lrs Anwar Gulab Sayyed And
Others

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Advocate for the Petitioner : Mr. Andhale Sandip Ramnath
Advocate for Respondent Nos.1A to 1C, 1D to 1G & 2 : Ms. Rani
Bharuka Bora h/f Mr. Bora Satyajit S.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 09, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By this application, the petitioner assails the order dated 19.01.2022 passed below Exhibit-77 by the learned Jt. Civil Judge, Senior Division, Ahmednagar in Special Darkhast No.142 of 2009, whereby the application filed by the petitioners/judgment debtors came to be rejected.
3. By said application, the petitioners intended to add the other legal heirs by contending that after the death of decree holder, only one legal heir was added. The Trial Court after considering the same, rejected the application. Learned counsel for the petitioners submits that to execute the decree finally, all necessary legal heirs must be impleaded. He submits that the Trial Court has committed an apparent error in rejecting the application.

4. Per contra, learned counsel for the respondent Ms. Rani Bharuka Bora submits that other legal heirs are not necessary party to the execution proceeding, as the suit was for partition.

5. I have gone through the order passed by the learned Executing Court. The learned Executing Court has observed that if legal heirs are not coming forward to join the execution proceeding, then such application filed by the judgment debtor need not be considered. If such application is allowed, it will delay the execution proceeding and therefore, on that ground, the Executing Court rejected the application filed by the petitioners.

6. As the Executing Court recorded appropriate findings, I do not find any reason to interfere with the order dated 19.01.2022 passed below Exhibit-77 by the learned Jt. Civil Judge, Senior Division, Ahmednagar in Special Darkhast No.142 of 2009 under Article 227 of the Constitution of India.

7. In view thereof, writ petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)