



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 11569 OF 2025

VYANKAT NAMDEO MANE

VERSUS

NAMDEO TATYARAO MANE AND OTHERS

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Advocate for the Petitioner : Mr. Kadam Annasaheb S.

AGP for Respondent/State: Mr. K. B. Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 23.09.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that against the original decree of partition, second appeal is pending before this court. He also submits that during pendency of the proceedings challenging the decree parallel proceedings were initiated for execution of the decree in terms of Section 54 of the CPC. The matter was referred to the Collector for partition of the property. The said decree is executed. Thereafter, the appeal is preferred by the present petitioner contending therein that there is no proper execution of the decree. The appeal is dismissed. Thereafter, he preferred second appeal before the collector that also is dismissed. Thereafter, revision petition is filed before the Commissioner in which status quo order was passed. Thereafter,

the matter was dismissed in default by order dated 25.08.2015. Thereafter, the application was moved for restoration on 16.09.2022. The said application is dismissed on 01.03.2023. Thereafter, the second revision is preferred before the Minister, which is also rejected by the impugned order by considering the fact that the matter was listed on various occasions still the petitioner was not present, as such, there was dismissed in default order was passed.

3. Considering that the dismissed in default order was passed in the year 2015 and after 7 years the application for restoration is made, I see no reason to restore the revision challenging the execution of the decree. However, in the event, the petitioner succeeds in the second appeal and if the decree is modified, there would be fresh execution of the same.

4. With the above observations, the Writ Petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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