



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 WRIT PETITION NO. 14055 OF 2025

**SURESH VILAS THUBE AND ANOTHER
VERSUS
HAUSHIRAM BAGAJI SHELKE AND OTHERS**

...
Advocate for the petitioners : Mr.R.R.Karpe
Advocate for Respondent no.4 : Mr.Shaikh Mashar A.
Jahagirdar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.11.2025

P.C. :

1] Heard the learned counsel for the parties.

2] The learned counsel for the petitioners submits that the decree is limited in the sense that it grants partial decree qua suit property, however, there is construction which is not permitted to be removed, whereas the learned counsel for the respondent-original plaintiff submits that the respondents-plaintiffs have filed Regular Civil Suit No.21/2007 and the suit was decreed by order dated 28.04.2016 in favour of the respondents-plaintiffs.

Thereafter, the respondents-plaintiffs [decree holders] filed Regular Darkhast No.103/2016 before the Executing Court. On 10.09.2023 the decree holders have filed an application contending that on the access to the plot the petitioners have installed tin sheets and certain obstructions is being created by the petitioners. By the impugned order dated 18.11.2025, the Executing Court has granted police aid to the decree holders for removal of obstruction.

3] The parties agree that they will approach the Civil Court for appointment of Court Commissioner for supervision and execution of the Court decree. The trial Court is thus directed to appoint Court Commissioner so as to enable it to implement and execute the decree.

4] With the above observations, the matter is restored to the Executing Court. The Executing Court to appoint Court Commissioner to ascertain the factual position on ground and to assist the Court in executing the decree as it stands. The said exercise to be completed within a period of 15 days from the date of appearance of the

parties. The parties to appear before the Executing Court on 26.12.2025.

5] In view of the above, Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC