

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 188 OF 2025

Parshuram Mallappa Bijjargi	}	Petitioner
versus		
Sushila Basavraj Pattangere	}	Respondent

Mr. Ajit V. Alange for petitioner.

CORAM: ALOK ARADHE, C. J.

DATE: JULY 9, 2025

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ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioner has assailed the order dated 10th October 2024 passed by the Executing Court, by which the objection preferred by the petitioner/judgment debtor has been rejected on the ground that the Executing Court cannot travel beyond the judgment and decree.

2. Facts giving rise to filing of the writ petition, briefly stated, are that the respondent filed RCS No. 1277 of 2012 seeking relief of possession and mesne profit. The suit filed by the respondent was decreed on 29th February 2016. The appeal preferred by the petitioner was partly allowed by the judgment and decree dated 31st March 2017 passed by the appellate court. The aforesaid judgment and decree passed by the appellate court was affirmed in the Second Appeal by this Court by order dated 5th February 2021.

3. The petitioner, in execution proceedings, raised an objection. The Executing Court has rejected the objection preferred by the petitioner, *inter alia*, on the ground that the Executing Court cannot travel beyond the decree.
4. I have heard learned counsel for the parties at length.
5. The petitioner is bound by the decree and the Executing court has rightly held that it cannot travel beyond the decree. The impugned order passed by the Executing Court does not suffer from any error apparent on the face of the record or any infirmity warranting interference of this Court in exercise of jurisdiction under Article 227 of the Constitution of India in a decree passed by the Trial Court, which has been affirmed by this Court and the Second Appeal preferred by the petitioner has been dismissed.
6. In the result, the writ petition fails. The same is dismissed.

(CHIEF JUSTICE)