

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

WRIT PETITION NO. 12903 OF 2025

Anandibai Nivrutti Kinhale & Ors.

...Petitioners

Versus

Anjanabai Krushna Kinhale (since deceased) & Ors.

...Respondents

Mr. Pandit Kasar for Petitioner.

Mr. Savita Prabhune, AGP for Respondent-State.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 3rd OCTOBER 2025

P.C.

1. Not on board. Taken on board.

2. The present proceedings filed under Article 226 of the Constitution of India, would raise an issue which touches the execution of the decree passed by the learned Civil Judge, Junior Division, Saswad subject matter of Regular Darkhast No. 09/1984 on which an order is passed on 13th June 2025 below Exhibit 147. We cannot entertain this Petition under Article 226 of the Constitution of India, as it is a settled principle of law that any issue touching execution of decree, would fall within the jurisdiction of the executing court as Order XXI of the Code of Civil Procedure is a code by itself.

3. The grievance of the Petitioners needs to be raised by an appropriate application before executing court, on the issues as raised in this Petition.

4. In this view of the matter, the learned Counsel for the Petitioners seeks leave to withdraw this Petition with liberty to urgently move the executing court by an appropriate application. He states that the application would be moved by tomorrow. If the same is filed, let urgent orders be passed by the executing court on the date such application is filed. All contentions of the parties are kept open in that regard.

5. Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)