

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13025 OF 2025

Jagannath Bhima Shete (deceased) through
his Legal Heirs and ors. ...Petitioners

Versus

Ravindra Gangadhar Dhumne and ors. ...Respondents

Mr. Sugandh Deshmukh, a/w Aniket Kanawade, Irvin
D'souza and Vaibhav Thorawe, for the Petitioners.
Mr. Nikhil Pujari, i/b Pramod Joshi, for the Respondents.

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CORAM: N. J. JAMADAR, J.
DATED: 7th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioners seeks leave to amend the petition.

Leave to amend.

3. Necessary amendment be carried out forthwith.
4. The petitioner is aggrieved by an order dated 6th March, 2024, whereby the execution petition, being Special Darkhast No.91 of 2017, came to be disposed as fully satisfied, though the application preferred by the petitioners – Judgment Debtor Nos.1A and 1B for release of the amount deposited by the decree-holder towards the balance consideration in the

suit for specific performance, which came to be decreed, awaited adjudication.

5. The petitioners – Judgment Debtors sought the release of the amount of Rs.4,93,750/- alongwith interest accrued thereon, which has been deposited by the decree-holder on 29th July, 2014.

6. Since the decree for specific performance came to be executed by appointing an officer of the Court, the Executing Court ought to have decided the application for release of the said amount ideally before the execution petition came to be finally disposed as fully satisfied.

7. The petition thus stands disposed with a request to the Executing Court to decide the application (Exhibit-F) to the petition, dated 17th March, 2023, for release of the amount, notwithstanding the disposal of Special Darkhast No.91 of 2017. If required, Special Darkhast No.91 of 2017 be restored to file only for the purpose of decision on the said application.

8. The petition stands disposed.

[N. J. JAMADAR, J.]