



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1760 of 2019

Keshav s/o Bhivaji Thakur and others

vs.

Islambi Ibrahim Baig (since dead), through L.Rs.

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. A.S. Dhore, Advocate for the Petitioners.

Mr. N.R. Bhishikar, Advocate for Respondent Nos.1(c) and 1(e).

CORAM : ANIL L. PANSARE, J.

DATE : 16th APRIL, 2025.

Heard.

02. The argument is that the executing Court has passed order below Exh.87 and Exh.88 in R.D. No.10/2009 without adjudicating the objections as regards executability of the decree, which is passed against the dead person and, secondly, that the petitioners, and not their father, were the owners of the property.

03. Though, learned Counsel for the respondents made an attempt to justify the order, he failed to show that the objections so raised, have been considered by the trial Court while deciding the applications.

04. The order impugned, therefore, is unsustainable.

05. The petition is partly allowed. The order dated 04/08/2018 passed below Exh.87 and Exh.88 in Regular Darkhast No.10/2009 is quashed and set aside. The applications are restored to file of the learned Civil Judge Junior Division, Bramhapuri for considering afresh in accordance with law and what has been noted in the body of the order.

06. The parties shall appear before the executing Court on 8th of May, 2025.

(Anil L. Pansare, J.)