



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

Writ Petition No.6405/2025
Mrs. Kusum V Mrs. Vaishali

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mohd. Ahfaz Qureshi, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 17-10-2025.

Heard Mr. Qureshi, learned Advocate for the petitioner.

2. Petitioner's challenge is to order dated 18-08-2025 passed by the Court of 8th Joint Civil Judge Senior Division, Nagpur in execution proceedings bearing Special Darkhast No.114/2019. By this order, the Executing Court has rejected the application filed by the judgment debtor at Exhibit-123, seeking review of orders dated 05-04-2024 passed on Exhibits- 8 and 9, came to be rejected.

3. The primary contention of learned Counsel for the petitioner is that the impugned order is passed by the Court of 8th Joint Civil Judge Senior Division, Nagpur, who has not heard the arguments on the said application and in fact the arguments were heard by the earlier Presiding Officer. It is submitted that the hearing on the said application was conducted on 12-03-2025 by the Court of 15th Joint Civil Judge Senior Division, Nagpur and no orders were passed after the hearing was concluded. Thereafter, the matter was transferred to the Court of 14th Joint Civil Judge Senior Division, Nagpur and 18th Joint Civil Judge Senior Division, Nagpur, before whom no hearing was conducted and no orders were passed on the said application. Thereafter, the matter was

transferred to the Court of 8th Joint Civil Judge Senior Division, Nagpur, before whom without hearing the arguments on the said application, straightway the impugned order is passed.

4. Learned Counsel for the petitioner submits that based on the impugned order, the execution proceedings are being further prosecuted and sale deed with respect to the suit property is likely to be executed. Therefore, he prays for interim relief.

5. Having regard to the submissions advanced, the petitioner has made out a *prima facie* case for interim relief.

6. Issue notice to the respondents, returnable on 26-11-2025.

7. In the meantime, further proceedings of Special Darkhast No.114/2019 shall remain stayed.

(Prafulla S. Khubalkar, J.)