



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14356 OF 2025

SHAIKH LATIF SHAIKH BASHEER

VERSUS

VINOD KHEMJI LODAYA

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Mr. Taher Ali Quadri, Advocate for the Petitioner.

Mr. Anand P. Bhandari, Advocate for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 23rd FEBRUARY, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 03.05.2025 passed below Exhibit-8 in Regular Darkhast No.9/2015 pending before Joint Civil Judge Junior Division, Aurangabad, whereby petitioner's application taking exception to maintainability of Regular Darkhast was rejected.

2. Mr. Quadri, learned Advocate appearing for petitioner submits that respondent had previously filed Regular Darkhast No.280/2002 for execution of decree passed in Regular Civil Suit No.693/1999. The said proceeding was dismissed for want of prosecution on 22.11.2013. In this backdrop, second execution proceeding would be barred by principle of *res-judicata*. In support of his contentions he relies upon observations of this Court in case of *Damodar Bhagwant Pande and Others Vs. Narayan Bhagwant Pande and Others*¹.

¹ 1999 (1) Mh.L.J. 187.

3. Per contra, Mr. Bhandari, learned Advocate appearing for respondent submits that there is no bar for filing fresh execution petition, in case earlier execution petition is dismissed for want of prosecution.

4. Having considered submissions advanced by learned Advocates appearing for respective parties and reasons as adopted by Executing Court in impugned order, it can be observed that there is no provision for restoration of Execution Petition. However, there is no bar for filing independent Execution Petition in respect of same decree.

5. In that view of matter, no case is made out to cause interference in impugned order. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE