



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

70 CRA NO. 126 OF 2025
BALIRAM NAMDEORAO ADKINE

VERSUS

BIBI BEGUM SHAIKH MIYA AND OTHERS

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Advocate for the Petitioner : Mr. Katneshwarkar S.P.

CORAM : **SHAILESH P. BRAHME, J.**

DATE : **23.02.2026**

PER COURT :

Heard learned counsel Mr. Katneshwarkar. Order below Exh. 20 passed on 17.12.2024 in Regular Darkhast No. 22/2017 is under challenge.

2. The applicant is the judgment debtor, who suffered decree on 03.04.2001 in Regular Civil Suit No. 98/1995 for declaration and possession. The decree was confirmed by the Lower Appellate Court in Regular Civil Appeal No. 80/2004. It is further confirmed by the High Court in second appeal.

3. The execution instituted on 29.03.2017 is objected by application Exh. 20 being barred by time in the wake of Article 136 of the Limitation Act.

4. The impugned order reveals that the initial decree passed by the Court suffered modification vide order dated 09.07.2013 in Misc. Application No. 01/2011. Therefore, period of limitation would reckon from 09.07.2013. The Executing Court rejected the application relying upon judgment of the Supreme Court in the matter of **Akkayanaicker Vs. A.A.A. Kotchadainaidu & Anr.(Civil Appeal No. 160/1999)**. I do not find any perversity or patent illegality in the impugned order. No interference is called for.

7. Civil Revision Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-