



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 3400 OF 2026

NAMDEO GENU INGAVALA DIED THROUGH L.RS. BALASAHEB
NAMDEV INGAVALA AND OTHERS

VERSUS

KAUSHALYA KISHAN KHODADE AND OTHERS

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Mr. Pushpak U. Gujrathi h/f. Mr. V.P. Latange – Advocate for Petitioners

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 01.04.2026

PER COURT :

1. The present petition takes exception to the order dated 22.01.2026 passed below Exhibit-12 by the 2nd Joint Civil Judge, Senior Division, Shrigonda, in Regular Darkhast No.17 of 2020, whereby a possession warrant has been issued in execution of the decree passed in Regular Civil Suit No.196 of 2001. The only contention raised on behalf of petitioners is that respondent had earlier filed Regular Darkhast No.6 of 2009 for execution of the said decree dated 23.07.2008, which came to be dismissed for default on 18.08.2018. Thereafter, the present Regular Darkhast No.17 of 2020 has been filed, which, according to the petitioners, is beyond the prescribed period of twelve (12) years from the date of decree, and therefore, the Executing Court ought not to have entertained the same.

2. Admittedly, the decree holder had initially filed Regular Darkhast No.6 of 2009 seeking execution of the decree passed in year 2008. The said Darkhast was dismissed in default on 18.08.2018. Thereafter, decree holder filed the present Regular Darkhast No.17 of 2020. In such circumstances, the period of limitation is required to be computed with reference to the earlier Darkhast and not from the date of the decree in the suit.

3. In that view of the matter, this Court finds that there is no substance in the contention raised on behalf of the petitioners. As long as the decree passed in the suit remains undisturbed, the issuance of the possession warrant by the Executing Court needs no interference.

4. In the result, the petition stands rejected.

5. Pending Civil Applications, if any, also stand disposed of.

[S. G. CHAPALGAONKAR]
JUDGE