MEERA MAHESH JADHAV
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9950 OF 2026

Ramesh Sitaram Soni And Anr ...Petitioners

Versus

Shantidevi Shyamlal Yadav And Anr ...Respondents

Mr. Prashant Patil for Petitioners.

CORAM: N. J. JAMADAR, J.
DATE : 18th AUGUST 2026

P.C.:

1. Heard the Learned Counsel for the Petitioners.

2. The challenge in this petition is to an order dated 16th July 2026 passed by the Learned Civil Judge, Belapur, whereby the application preferred by the Petitioners /original Defendant Nos.1 and 2/Judgment Debtors Nos.1 and 2 seeking stay to the execution of the decree on the ground that the issues raised by the Judgment Debtors were not decided by the Trial Court.

3. In the impugned order, the Learned Civil Judge has encapsulated the issues raised by the Judgment Debtors as under:

> *"a) failure of the trial court to determine the nature of possession and relationship between the parties; and*

b) failure to adjudicate the defence of ownership raised by judgment debtor nos.1 and 2."

4. The Learned Civil Judge, was persuaded to reject the application opining that the Executing Court cannot go behind the decree and allow the Judgment Debtors to reopen the issues which stood determined.

5. Incontrovertibly, the decree passed in Special Civil Suit No.521 of 2014 has attained finality upto the Supreme Court. The aforesaid questions raised by the Judgment Debtors clearly pertain to the matters that would necessitate the Executing Court to go behind the decree. The Learned Civil Judge thus rightly declined to embark upon an inquiry into those matters as they were beyond the remit of Executing Court. Hence, in exercise of its supervisory jurisdiction, this Court does not find any justifiable reason to entertain this Petition.

6. Petition stands dismissed.

[N. J. JAMADAR, J.]