

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5708 OF 2026

Atiqurrahman Mohammed Ishaque ..Petitioner

Versus

Haji Nisar Ahmed Shabbir Ahmed & ors. ...Respondents

WITH

WRIT PETITION NO. 5710 OF 2026

WITH

WRIT PETITION NO. 5734 OF 2026

Mr. Suresh Sabrad a/w Mr. Pratik Sabrad, Mr. Nilesh Bafana,
Ms. Neha Parte, Ms. Eshwaree Kudalkar, for the
Petitioner in all.

CORAM: N. J. JAMADAR, J.

DATED : 10th JUNE 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in these petitions is to an order dated 01st April, 2026, passed by the Executing Court in Regular Darkhast Nos. 22/2016 and 24/2016 on an application preferred by the petitioner for appointment of the Court Commissioner. The petitioner has raised objections to the execution of the decree on the ground that the decree is not executable in respect of the property which the petitioner claimed to hold exclusively.

3. The learned Civil Judge was of the view that, objection of the earlier obstructionist was rejected by the Executing Court and an attempt was being made by the petitioners to bring new evidence to defeat the execution of the decree which has been passed on 29th February, 2016. Thus, the application came to be rejected.

4. The view taken by the learned Civil Judge is justifiable. The decrees are required to be executed strictly in accordance with terms of the decree. The judgment debtor or the obstructionist cannot insist that the decree be executed in a particular manner. Therefore, the prayer for appointment of the Court Commissioner was wholly misconceived.

5. The Writ Petitions stand disposed with a clarification that, the decree be executed strictly in accordance with terms of the decree.

[N. J. JAMADAR, J.]