



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.266/2026
Baban and another V Saraswatibai

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms. R.G. Nitnaware, Advocate for petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 13-01-2026.

Heard learned Counsel for the petitioners.

2. Petitioner's challenge is to order dated 17-10-2025 passed by the Executing Court by which the warrant of possession is issued in execution of the decree in Regular Civil Suit No.64/1983.

3. Learned Counsel for the petitioner submits that by virtue of the execution proceedings the decree holder is trying to take possession of land which forms part of *Nullha* which is a Government land. She therefore submits that the possession warrant ought not to have been issued and on this count challenge is raised to the impugned order.

4. A perusal of the impugned order passed by the executing Court shows that the warrant of possession is ordered to be issued in the execution proceedings with respect to execution of decree dated 11-09-2000 passed by the trial Court in Regular Civil Suit No.64/1983. The trial Court has given due consideration to the fact that the decree has attained finality and the decree holder has thereafter filed an application for issuance of warrant of possession. By the impugned order, the executing Court has directed issuance of possession warrant for delivery of 50 R of land from the eastern side of Survey No.39/1 of Mouja

Shelubazar, Tal. Mangrulpir, District Washim in terms of decree in Regular Civil Suit No.64/1983. The executing Court has also directed that the Deputy Superintendent of Land Records, Mangrulpir shall assist the concerned Bailiff during execution for on site demarcation/identification of the decreetal 50 R of land.

5. A perusal of the impugned order shows that the executing Court has given due consideration to all the relevant aspects and by considering the fact that the decree has attained finality hence ordered for issuance of warrant of possession. The petitioner who is the judgment debtor has failed to demonstrate any perversity with the impugned order. The instant petition appears to be an attempt to prolong execution of the decree. Hence, no indulgence is warranted under Article 227 of the Constitution of India.

6. Writ petition is dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)