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

WRIT PETITION NO.6115 OF 2025

Uttam Shaligram Ramchaware (through its legal heirs)

Vs.

Kalavatibai Janrao Ghate

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. C.R. Kulkarni, Advocate for the Petitioners.
Mr. S.S. Purwar h/f. Mr. N.R. Tekade, Advocate for Respondent No.1.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATED : 11th FEBRUARY, 2026

1. Heard learned counsel for the petitioners.

2. Petitioners' challenge is to the Order dated 27.03.2025 passed by the Executing Court on the objections filed by the petitioner/judgment debtor at Exh.42 and 47 as well as the order dated 29.09.2025 passed below Exh.58 on an application for issuance of warrant of possession, in Special Darkhast No.03/2022.

3. The only contention canvassed on behalf of the petitioner/judgment debtor is that the suit property has not been properly demarcated and that the boundaries are not fixed and therefore, the objection at Exh.42 regarding the identification of the suit property ought to have been considered properly.

4. It is further pointed out that, in the execution proceedings, the actual possession of the suit property has already been handed over to the respondent/decree holder on 28.01.2026 and the possession receipt is duly signed by

the panchas' and bailiff. A pursis dated 11.02.2026 accompanied with Bailiff Report and Possession Receipt is filed on record.

5. In this background, the petitioners contend that although the possession is handed over, the boundaries of the suit property ought to have been properly fixed.

6. Perusal of the impugned order reveals that while considering the objection about the measurement of the suit property and the prayer for fixing the boundaries as raised through the objection, the Executing Court has categorically recorded in para No.6 that on the objections being raised by the decree holder, the boundaries were properly fixed, as such, there is no question about identity of the properties. The Executing Court has also recorded that the decree sought to be executed has attained finality up to the Hon'ble Supreme Court and there is no dispute about the identity or boundaries of the suit property. Therefore, after recording elaborate reasons, the objection at Exh.42 is rejected and a direction for issuance of warrant was granted by allowing applications at Exh.47 and 58.

7. Considering the fact that the boundaries of the suit property were clearly demarcated and the property was identified, as recorded by the Executing Court and further considering the fact that the actual possession of the suit property is handed over to the decree holder, I do not find any need for further directions for fresh measurement of the suit property. As such, the prayer made on behalf of the petitioners is only an attempt to somehow prolong the execution proceedings and therefore, no interference is warranted with the impugned orders.

8. In view of above, the writ petition is **dismissed** with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel