HIGH COURT OF JUDICATURE AT BOMBAY
सत्यमेव जयते

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

WRIT PETITION NO.1760/2019

Keshav S/o Bhivaji Thakur and others
..Vs..
Islambi Ibrahim Baig through L.Rs. Mumtaj Ibrahim Baig and others

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

Shri A.S. Dhore, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.
DATE : 5.3.2019.

Submission on behalf of the petitioners is that the objection raised by them by the application (Exh. No.87) that the decree which is sought to be executed against them is not binding on them and cannot be executed against them as they were not party to Regular Civil Suit No.13/2002, and this objection was neither raised nor considered / decided by the executing Court while allowing the application filed by the decree holder seeking permission to bring on record legal representatives of judgment debtor Nos.9 and 10 by order dated 25th October, 2013. It is submitted that the executing Court has wrongly dismissed the applications (Exh. Nos.87 and 88) by the impugned order, observing that the objections raised are already considered / decided earlier.

Issue notice to the respondents.

The respondents may file reply / affidavit, if so advised, till 23rd April, 2019.

List the petition for further consideration /

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hearing on **2nd May, 2019**.

There shall be *ad interim* order in terms of prayer clause (ii) until further orders.

JUDGE

Tambaskar.

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