



CNR NO. : MHSCA2-001891-2022

**IN THE COURT OF SMALL CAUSES AT MUMBAI
ORDER BELOW EXHIBIT 1**

**IN
EXECUTION APPLICATION NO.431 OF 2022**

**IN
R.A.E.&R.SUIT NO.511 OF 2014**

1) Mrs. Bismillah Roshan Mirza & Anr. ... Plaintiffs

Versus

1) Mr. Sitaram Dukhi & Anr. ... Defendants

Advocates for the plaintiffs : R. D. Mishra

Coram: R. M. Tuwar

Judge, C. R. No.10

I/c. Judge, C. R. No.13

Date : 03.01.2025

ORDER :

The plaintiffs/deed holders have filed present application for issuance of possession warrant as per decree passed in R.A.E.&R. Suit No.511 of 2014. The decree is passed on 24.11.2021. There was mistake in the decree drawn by the department hence, he made an Manarji Application No.08 of 2022 before the Court for correction of the decree and judgment and the Ld. Trial Court by order and judgment dated 02.07.2022 passed an order allowing the application and corrected the order and judgment. Present application has been filed on 25.08.2022 i.e. within the period of two years from the date of the decree. Already notice served to the defendants/judgment debtors but inspite of due service, defendants/judgment debtors failed to appear therefore, execution application was proceeded exparte as per the order dated

06.12.2023. So also, the report of index department shows that the decree is not stayed by any Hon'ble Superior Court till today i.e. 03.01.2025 at 3.21 p.m. Therefore, there is no hurdle to issue possession warrant against defendants/judgment debtors as prayed by the plaintiffs. Hence, the following order.

:: ORDER ::

1. Issue warrant of possession under Order XXI Rule 35 of the Code of Civil Procedure, 1908 against defendants to deliver vacant and peaceful possession of the suit premises viz. Room No.5, Sultan Salim Chawl (Old Muktabai Chawl) situated at G.S. No.441-A, House No.302, Near Municipal School, Worli Koliwada, Mumbai – 400 030, four boundaries of which are towards East- Municipal School and Road, towards West : Room No.4 of Rajendra Devnath Yadav, towards North – Gullys/lane, towards South – Room No.6 of Baichan Dudnath Sharma to the plaintiffs as per decree passed in R.A.E.&R. Suit No.511 of 2014 dated 24.11.2021.
2. Bailiff Shri N. A. Ingle of this Court is directed to execute the warrant of possession and deliver possession of suit premises to plaintiff and make the inventory of articles, if any, lying in the suit premises.

Mumbai
Date : 03.01.2025

(R. M. Tuwar)
I/c. Judge, C. R. No.13