



Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION (L) NO. 1283 OF 2016

Union of India ...Applicant
Versus
Ramakant Ramdas Bagul & Ors ...Respondents

Mr SR Rajguru, for the Applicant.
Ms Bhagyalaxmi Racha, for Respondents Nos. 2 & 4.

CORAM: G.S. PATEL, J
DATED: 10th January 2018

PC:-

1. The department has taken an objection and in my view *prima facie* quite correctly that the execution sought to be initiated in this Court is barred by limitation. The decree in question is dated 5th/19th October 2002. It is sought to be executed now in respect of the property within the jurisdiction of this Court only on 28th March 2016. Hence, the department's objection.

2. On behalf of the Union of India, seeking execution, Mr Rajguru submits that because Darkhast proceedings were initiated in 2004 in the Court of Civil Judge Senior Division at Nashik, no question of limitation arises. It is difficult to accept the argument at this *prima facie* stage in the manner in which it is placed and there is no material before me setting out in an orderly fashion explaining



the narrative and sequence of events. Further an opportunity must be afforded to the judgment debtor to meet this case. It is necessary, therefore, for the Union of India to file an appropriate proceeding seeking dispensation with the office objections supported by an affidavit, the whole of which must be served on the respondents.

3. Liberty to the Union of India's Advocates to mention the matter after such a proceeding is filed.

(G. S. PATEL, J)