



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

907 WRIT PETITION NO. 13357 OF 2025

RAVINDRA BALIRAM JADHAV KOLI

VERSUS

ABHAY DEVIDAS SHINKAR AND OTHERS

...

Advocate for the Petitioner : Mr. Mukul S. Kulkarni

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 14.11.2025**

**PER COURT:**

1. Heard.
  
2. The learned counsel for the petitioner submits that execution is sought of a decree against the property which is not a decreetal property. He has a lease deed of 99 years executed over the property by one of the co-owner. Apart from the same, he was earlier the lessee of the same property. He submits that in the evidence the lease deed was produced before this court. However, it is rejected by holding that it cannot be admitted in evidence. He submits that the document can be admitted in evidence after impounding and payment of stamp duty. He submits that for collateral possession the document can be used under Section 49 of the Indian Registration Act. He submits that the admission of document in evidence is necessary to establish his possession over the property. He further submits that, in any event, this is not a decreetal property and that no prejudice would be caused to the

respondent, if the document on payment of stamp duty is admitted in evidence.

3. Considering the above submissions, meanwhile, the proceedings before the executing court shall be deferred with respect to the property in possession of the petitioner i.e. Shop No.3.

4. Issue notice to the respondents, returnable on 28.11.2025.

Notice to indicate that if time permits, the matter may be disposed of at admission stage.

5. Service of notice by permissible private modes is also allowed.

6. If the petitioner fails to serve the respondents by the next date, the interim order granted today would stand automatically vacated.

7. List the matter on 28.11.2025, immediately after fresh admission matters.

**[ARUN R. PEDNEKER, J.]**