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ITEM NO.1

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30698-30699/2011

(From the judgment and order dated 22.07.2011 in CRA No.129/2011 and CRA No.130/2011 of the HIGH COURT OF BOMBAY, BENCH AT AURANGABAD)

SUBHASH

Petitioner(s)

VERSUS

SYED SHAH HUSSAIN NEHRI & ANR

Respondent(s)

(With appln(s) for exemption and prayer for interim relief and office report)

Date: 08/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Ms. Rajshri A. Dubey, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

These petitions are directed against judgment dated 22.07.2011 of the learned Single Judge of the Bombay High Court, Aurangabad Bench, whereby he dismissed the revision applications filed by the petitioner and upheld the order of the trial Court, which declined the petitioner's prayer for dismissal of Execution Petition No. 177 of 2009 filed by the respondents for delivery of possession of the suit property.

We have heard learned counsel for the petitioner and perused the record.

In our view, the trial Court had rightly held that the execution petition filed by the respondents was within limitation and the learned Single Judge did not commit any error by dismissing the revision applications.

Admittedly, the respondents had filed execution petition within eight years of dismissal of the regular civil appeal filed by the petitioner and four years of dismissal of the second appeal. Therefore, the execution petition filed in 2009 was within limitation.

With the above observations, the special leave petitions are dismissed.

|(Parveen Kr.Chawla)

|Court Master

|(Phoolan Wati Arora)

|Court Master