

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.2335 OF 2013

Shivaji Ranba Shirgire (Patil),
Age 70 years, Occu. Agri.,
R/o Gondhalwadi, Taluka Tuljapur,
District Osmanabad

..Petitioner

Versus

1. Amruta Manik Satpute,
Age 75 years, Occu.Agri.,
R/o Gondhalwadi,
Taluka Tuljapur,
District Osmanabad

2. Devanand s/o Sahebrao
Rochkari, Age 65 years,
Occu. Business,
R/o Khadakalgalli,
Tuljapur, Taluka Tuljapur,
District Osmanabad

..Respondents

Mr M.P. Tripathi, Advocate for petitioner
Mr S.N. Patne, Advocate for respondent No.1
Respondent No.2 served

CORAM : N.W. SAMBRE, J.

DATE : 8th December 2015

PER COURT

Heard.

2. Regular Civil Suit No.16 of 2006 for specific performance of contract came to be decreed on 4th October 2012 by learned Civil Judge, Junior Division, Tuljapur, which is subject matter of challenge in Regular Civil Appeal No.321 of 2012 before the learned District Judge.

3. The lower appellate Court rejected the application Exh.5 filed in R.C.A.No.321 of 2012 by the petitioner for stay, whereas this Court by order dated 12th June 2013 has stayed the Clause 2 of the decree and

order dated 4th October 2012, as a consequence of which the plaintiff No.1 was not able to execute the decree in question.

4. The appeal is pending since 2012. In view thereof and in the interest of justice, the interim order passed this Court on 12th June 2013 to continue with a direction to learned District Judge-1, Osmanabad to decide the appeal bearing No.321 of 2012 expeditiously and in any case within a period of three months from today.

5. The parties to co-operate for expeditious disposal of the appeal.

6. Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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