

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10684 OF 2014
PRALHAD BALAJI GAVANKAR VERSUS LAXMAN RAMBHAU NIRAS

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Advocate for Petitioner : Shri Patil Milind M. (Beedkar)
Advocate for Respondent : Shri Kale M.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2015

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PER COURT :-

1. The petitioner is the original plaintiff in RCS No.23 of 2006, which is decreed by judgment dated 13.12.2013. RCA No. 1 of 2013 has been instituted by the respondent herein on 9.1.2014. By the impugned order dated 28.8.2014 below Exhibit 5, the appeal Court has stayed the execution of the decree till disposal of the appeal.
2. Contention of the petitioner is that the impugned order would prevent the petitioner from conducting his business in the suit premises.
3. An interlocutory order is under challenge. The appeal is pending and execution of the decree was likely to frustrate the appeal. It was in these circumstances that the appeal Court found it proper to stay the execution of the decree.
4. Shri Kale, learned Advocate appearing on caveat for the sole respondent submits that the appeal itself can be disposed off on its merits. The appeal is ready for hearing.
5. In the light of the above, this petition is disposed off with a direction to the appeal Court to decide RCA No.1 of 2014 as expeditiously as possible and preferably on/or before 30.4.2015.

(RAVINDRA V. GHUGE, J.)

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