

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3851 OF 2015

Smt. Kalavati Krishnat Karape & Ors. .. Petitioners
vs.
Ganpat Bhauso Karape & Ors. .. Respondents

Mr. Abhijit M. Adagule for Petitioners.

CORAM : M. S. SONAK, J.
DATE: 29 APRIL 2015

P.C. :-

1] This Petition challenges order dated 18 March 2015, by which the District Judge in Regular Appeal No. 27 of 2015, has stayed execution of judgment and decree of partition which is appealed against.

2] Although, no fault as such can be found with the impugned order, the learned counsel for the petitioners submits that the decree of partition, involves about twenty five parties, out of which only one of the parties, being aggrieved by the same has instituted Regular Appeal no. 27 of 2015. In such circumstances, he submits that it would be proper that if some directions are issued for expeditious disposal of the appeal. Further, the learned counsel submits that under the cover of a blanket stay to the judgment and decree impugned in appeal, it is possible that some of the parties dispose of their share or create some third party rights.

3] The apprehensions expressed by the petitioners, at least *prima facie*, appear to be reasonable. In the circumstances, though this Petition is not being entertained, directions are issued to the learned District Judge to dispose of Regular Appeal No. 27 of 2015 as expeditiously as possible and in any case within a period of one year from today. Further, for a period of eight weeks from today, all parties, including the petitioners herein are directed to maintain *status quo* with regard to the suit properties. Within a period of eight weeks, the petitioners are at liberty to apply to the learned District Judge for modification of the impugned order, so as to include a condition therein that parties to the appeal maintain *status quo* during the pendency of the appeal. If such an application is made within a period of eight weeks from today, the learned District Judge, after giving notice to all concerned, to consider, decide and dispose of the same in accordance with law.

4] With the aforesaid observations, this Petition is disposed of. The Petitioners are permitted to place an authenticated copy of this order before the learned District Judge taking up Regular Appeal No. 27 of 2015.

5] All concerned to act on basis of an authenticated copy of this order.