

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.27531 OF 2014

Shivaji Hariba Ghadge : Petitioner.
Versus
Ramchandra Sukhdeo Gawali and ors. : Respondents.

Mr. S S Inamdar for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 06th October 2015

P.C.

1 The order dated 02/09/2014 passed by the Executing Court i.e. learned Joint Civil Judge, Senior Division Solapur allowing the the Application (Exhibit 35) for stay of the execution proceedings pending the disposal of the Misc. Application No.351 of 2014 filed by the Objectors is taken exception to by way of the above Petition.

2 It is not necessary to delve into the merits of the challenge which has been raised to the impugned order granting stay of the execution proceedings having regard to the fact that the said Misc. Application No.351 of 2014 has been filed invoking order XXI Rule 97 of the Code of Civil Procedure. It would be in the said proceedings that the merits of the case of the objectors in the said application would have to be considered. Since the said application has been filed some time in the year 2014 and since the impugned order has been passed on 02/09/2014, it would be just and proper to direct the

Executing Court to hear and decide the said Misc. Application No.351 of 2014 within a particular time frame. Hence having regard to the nature of the order that is to be passed, the need to issue notice to the Respondents is obviated. The Executing Court i.e. the learned Joint Civil Judge, Senior Division, Solapur is directed to hear and decide the said Misc. Application No.351 of 2014 latest by 28/02/2016. The Executing Court to see to it that no unnecessary adjournments are granted to the parties. With the aforesaid directions the above Writ Petition is disposed of. Needless to state that the contentions of the parties are kept open for being urged before the Executing Court.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Judgment.