

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2708 OF 2015

Mr. Gawand V. Vithal .. Petitioner
vs.
Mr. Yatin A. Patel & anr. .. Respondents

Mr. U.P. Warunjikar a/w. Mr. Bhushan Deshmukh for the Petitioner.

CORAM : M. S. SONAK, J.
DATE : 1 April, 2015.

P.C. :-

1] This petition questions order dated 26 November 2014, by which the learned District Judge at Raigad has stayed the operation and execution of the decree impugned in the Civil Miscellaneous Appeal No. 154 of 2014.

2] The impugned order was made, without notice to the petitioner-decree holder. The impugned order was made despite the circumstance that the Appeal itself was preferred after a delay of more than one year. In such circumstances, the learned counsel for the petitioner, is right in his submission that the learned District Judge ought not to have granted interim relief *ex-parte*.

3] Be that as it may, no useful purpose will be served by upsetting the impugned order, because the decree which is appealed against directs the eviction of the respondents. Instead, the directions can be issued for expeditious disposal of the proceedings before the learned District Judge.

4] Accordingly, the petitioner to file a reply to the application seeking condonation of delay within a period of two weeks from today. The learned District Judge to dispose of the application for condonation of delay, within a period of two weeks from the date the petitioner files the reply.

5] In case, the delay is condoned, then the learned District Judge to dispose of the Appeal within a period of two months without fail.

6] The petitioner to place an authenticated copy of this order before the learned District Judge alongwith reply to the application seeking condonation of delay, within a period of two weeks from today.

7] This petition is disposed of in aforesaid terms. There shall be no order as to costs.

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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