

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9787 OF 2015

Shri Dilip Maruti Kadam & Anr. .. Petitioners
vs.
Shri Sagar Arun Kadam & Ors. .. Respondents

Mr. R.C. Barge for the Petitioners.
Mr. G.S. Godbole i/b. Mr. B.G. Ligade for Respondent No.1.
Mr. A.R. Metkari, A.G.P. for Respondent No.2.

CORAM : M.S. SONAK, J.
DATE : 14 OCTOBER, 2015.

P.C. :

1) This petition is disposed of with the following order agreed to by the petitioners and respondent No.1. The petitioner No.1, who is power of attorney holder for petitioner No.2 is present, so also respondent No.1 is present.

A) The orders dated 17.04.2015 (Exh.K at page 38) and 26.08.2015 (Exh.L at page 39) are hereby set aside.

B) The Appellate authority i.e. Additional Collector Satara, shall hear and decide the petitioners application for stay during the pendency of Appeal No.60 of 2015, within a period of two weeks from the date of production of authenticated copy of this order. Said application shall be decided after giving opportunity of hearing to both the parties.

C) Mr. Godbole, the learned Counsel for the respondent No.1 on the basis of instructions from the respondent No.1, states that the respondent No.1 shall not move authorities for execution of the order dated 20.12.2012 made by the Tahsildar, Satara, until the Additional Collector disposes of the stay application. Similarly, Mr. Barge, learned Counsel for the petitioners, on the basis of instructions from the petitioners, stated that the petitioners shall also not alter the *status quo* or create any third party rights in the suit property until the Additional Collector disposes of the stay application. The statements are accepted. The respective statements will protect the interest of both the parties pending the decision of the Additional Collector on the stay application.

- 2) The parties to appear before the Additional Collector on 20.10.2015 and produce an authenticated copy of this order.
- 3) All concerned to act on the basis of authenticated copy of this order.
- 4) The Petition is disposed of in the aforesaid terms.

(M.S. SONAK, J.)