

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 7490 OF 2016

Prayagabai w/o Baburao Gaikwad and anr. .. Petitioners

vs

Late Dadasaheb Apte Shikshan Sanstha
Sanchit, Bal Vidya Mandir, CIDCO, Aurangabad .. Respondent

Mr. Angad L. Kanade, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.

DATE : 20th July, 2016

ORDER :

1. After hearing learned counsel for petitioners, it appears that in execution of a decree, possession warrant has been issued.
2. Learned counsel contends that against the decree passed for eviction of the petitioners by trial court and confirmed by appellate court, second appeal bearing no. 312 of 2011 had been filed before this court and that it stands disposed of for non compliance of condition stipulated in the order.
3. Learned counsel submits that now possession warrant has been issued and in all likelihood, petitioners would lose their longstanding possession and further that they are ready to deposit the amount as directed by this court in the second appeal.

4. As such, as far as merits against issuance of warrant of possession are concerned, the petition does not appear to contain any substance and as such does not deserve any consideration and, is therefore, rejected.

5. However, at this juncture, petitioners earnestly requests that interim protection for two weeks may be granted, for, the petitioners may try alternative that may be available for corrective action before the second appellate court.

6. In view of the same, execution of possession warrant may be held in abeyance only for a period of two weeks from today.

7. Petition accordingly stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd