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

WRIT PETITION NO. 7018 OF 2014

Smt. Yashoda Yashvant Mhatre & Ors. ...Petitioners

Vs.

Mr. Praffula Shankar Mhatre & Ors. ...Respondents

Mr. Rahul M. More, Advocate for the Petitioners

Mr. Govind B. Solanke, Advocate for Respondent No.1

CORAM : M.S. KARNIK, J.

DATED : 2nd APRIL, 2016

PC. :

Heard. Learned Advocate Shri Govind B. Solanke submits that he represents all the respondents.

1. The Petitioner by way of the present petition is challenging the order dated 17th December, 2013 below Exhibit-5 passed by the Adhoc District Judge-1 & Additional Sessions Judge, Raigad-Alibag in Civil Appeal No.146 of 2013. The present Respondent No.1, original Plaintiff had filed a Suit for partition. The Suit was partly decreed with costs.
2. The original Defendant Nos. 1 to 6 being aggrieved by the said decree filed Civil Appeal No.146 of 2013 before the District Judge, Raigad, Alibag. By an application Exhibit-5 the Appellants prayed that pending the decision of the appeal

filed by the Appellants execution of the decree dated 20th May, 2013 passed by the learned Joint Civil Judge (J.D.) Alibag in Regular Civil Suit No.58 of 2009 be stayed. The said application was opposed by the Respondents.

3. The Appellate Court was pleased to reject the application below Exhibit-5 by the impugned order dated 17th December, 2013.

4. After hearing the matter at some length the parties have agreed to the following arrangements pending the Appeal:-

(i) The execution of the decree dated 20th May 2013 passed by the learned Trial Court in Regular Civil Suit No.58 of 2009 to proceed but the actual possession may not be handed over till the decision of Civil Appeal No.146 of 2013 pending before the Appellate Court.

(ii) During the pendency of the Appeal the Petitioners not to create any third party interest in the suit properties.

5. Request is made for expediting the Appeal. The Appeal is of the year 2013 and looking at the controversy involved the Appellate Court is requested to hear the Appeal as expeditiously as possible.

6. With the above arrangements the Writ Petition is disposed off.

(M.S. KARNIK, J.)