

Sequeira

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

WRIT PETITION NO. 4158 OF 2014

Shri Rajendra Parshuram Patwardhan.

.. Petitioner

Vs.

Sau.Saroj Ramesh Agarwal & ors.

.. Respondents

Mr.J.H.Oak i/b Mr.A.A.Garge, for the Petitioner.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Tuesday, 16 August 2016.***

P.C. :

The Petitioner challenges the order passed by the Civil Judge Junior Division Tasgaon, dated 5 March 2014 rejecting the Application cum-objection taken by the Petitioner, for execution of the decree. While passing the impugned order, the learned Civil Judge held that the Application for stay of execution of proceedings cannot be entertained merely on the ground that after the review Petition was rejected by this Court, there is no stay to the execution either by the High Court or by the Apex Court. The learned Judge held that merely sending document to the advocate of the Supreme Court to file Special Leave Petition is not a ground to refuse relief for possession warrant. This Petition came up on board on 21 June 2016 when following order was passed.

'Heard. The learned counsel for the petition submits that the petitioner preferred an SLP in the apex court with regard to the issue involved in the Writ Petition. He submits that the apex court, by order dated 31.03.2014 issued notices to other side and granted status-quo.

2. Considering these facts, S.O. 8 weeks.'

2. The learned counsel for the Petitioner reiterates statement which is recorded in the order earlier. In view of the fact that the Apex Court has issued notices to the Respondents and granted status-quo by which the learned Civil Judge Junior Division Tasgaon, is bound it is not necessary to keep this Writ Petition pending as the basis for passing the impugned order does not survive any further. The outcome of the execution proceedings will now depend on the orders passed by the Apex Court. The Writ Petition is accordingly disposed of.

(N.M.Jamdar, J.)