

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

WRIT PETITION NO. 13241 OF 2016

Dhananjay Shivram Mapare and ..Petitioners.
Anr.

Vs

1.Vilas Eknath Kpare and Ors .. Respondents

Mr.Rajendrakumar N. Sanghavi, Advocate for Petitioners.

Mr.S.M.Gorwadkar, Senior Advocate, a/w Mr. Ravi Shinde,
Advocate for Respondents no. 1 to 4.

CORAM : R.G.KETKAR,J.
DATE : 19/12/2016

PC:

1. Heard Mr. Rajendrakumar Sanghavi, learned counsel for the petitioners and Mr. S.M.Gorwadkar, learned senior counsel for the respondents no. 1 to 4 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the order dated 7.11.2016 passed by the learned District Judge-1, Baramati below Exhibit-5 in Regular Civil Appeal No. 146 of 2016. By that order, the learned District Judge allowed the application for stay filed by the appellants and stayed execution of Final Decree Application No. 1 of 2012 till final decision of the Appeal subject to condition that the appellants shall furnish an undertaking within 15 days from the date of the order for due performance of the decree or order as may ultimately be binding on them which may be passed at

the time of final disposal of appeal.

3. As by the impugned order, the learned District Judge has granted stay to the final decree proceedings, in my opinion, ends of justice will be served by directing the learned District Judge to decide the Appeal within two months from production of the authenticated copy of the order. Learned counsel for the parties assure that they will extend full co-operation for the disposal of appeal in the time stipulated in this order. They will not seek undue adjournment. Assurance given by the learned counsel for the parties is recorded. Petition is accordingly disposed of with no order as to costs. All contentions of parties including maintainability of the appeal are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)