

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4145 OF 2016

Shyamrao s/o Madhav Kolhe

Petitioner

Versus

Arjun s/o Narayan (Elder) Kolhe & others

Respondents

Mrs. S.G. Chincholkar h/f Mr. G.N.Chincholkar advocate for petitioner
Mr. S.S.Gangakhedkar advocate for Respondent Nos.1 to 5, 11 & 12

CORAM : RAVINDRA V. GHUGE, J

(Date : 10th July, 2017.)

PER COURT :-

1 The petitioner - decree holder is aggrieved by the interlocutory order dated 16.1.2016 passed by the appeal Court below Application Exhibit No.4 in RCA No.118/2014 by which the execution and operation of the Judgment & Decree dated 7.8.2014 has been stayed.

2 I have considered the submissions of the learned Advocates for the respective sides.

3 It appears that the appeal Court has stayed the decree since the appeal is pending and prima facie, it appeared to the Appeal Court that, if the decree was not stayed during the pendency of the appeal and if the decree was executed by the decree holder,

the appeal would be rendered infructuous, more so since the said property was a plot bearing MC No.94 situated at Bhoiwadi, Tq. Kinwant, District Nanded.

4 I find that in the above recorded peculiar circumstances, no interference is called for in the impugned order. Ends of justice would be met by directing the appeal Court to decide the pending appeal expeditiously.

5 As such, this petition is disposed of with a direction to the Appeal Court to decide RCA No.118/2014 as expeditiously as possible and preferably on or before the 31st day of January, 2018. Needless to state, that the litigating sides shall cooperate with the Appeal Court and shall refrain from seeking adjournments on unreasonable and trivial grounds.

(RAVINDRA V. GHUGE , J)

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