

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

50 WRIT PETITION NO. 3425 OF 2017

BHAGWAT JAGANNATH RADE AND OTHERS
VERSUS
REKHA ALIAS SHOBHA BHAGWAT RADE

...
Advocate for Petitioners : Mr. S.H. Tripathi

...
CORAM : T.V. NALAWADE, J.
DATED : June 5, 2017.

ORDER :

1. The present proceeding is filed to challenge the order made on Exh. 6 in Regular Civil Appeal No. 202/2015 by District Judge-5, Jalgaon. The appeal is filed by present respondent, original plaintiff. Relief of stay was claimed and the stay is granted subject to condition of depositing of costs of Rs.8,000/- and by giving security of Rs.20,000/- in the Trial Court within a period of four weeks from the date of the order.

2. Present petitioner is interested in expeditious disposal of the appeal. The learned counsel submitted that due to stay order, the matter will be protracted and no interest will be shown. He submitted that the order was made in March 2016 and already period of one year is over since the date of stay, so, the petitioner is only interested in expeditious disposal of the

appeal.

3. Original suit was filed for relief of declaration in respect of immovable property and one document and it is dismissed with costs. In view of these circumstances, the defendants, present petitioners feel that pendency of the present matter will create complications and the petitioner will not be entitled to deal with the matter in the way in which they want. In view of these circumstances, this Court holds that the direction needs to be given for expeditious disposal of the main matter, the appeal itself.

4. In the result, without interfering in the order made by the District Court of the stay, direction is given to the District Court to dispose of the appeal expeditiously and in any case, within four months from the date of this order. If the appellant does not cooperate in preparing the paper book, appropriate orders can be made by the appellate Court. Writ Petition is disposed of accordingly.

Authenticated copy is allowed.

[T.V. NALAWADE, J.]

ssc/