

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11775 OF 2016

RAMESH BIHARILAL GANGWAL
VERSUS
SMT. SUMANBAI BIHARILAL GANGAWAL AND OTHERS

...
Advocate for Petitioner : Mr. Kulkarni S. S. h/f Mr. Kadu Shivraj B.
Advocate for Respondents 1 to 3 and 5 : Mr. Adhav D.R.
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 22-08-2017

ORDER :

1. Heard learned counsel for the parties.
2. The petitioner is before this court against the interim order dated 23-09-2016 completely staying the effect and operation of decree in regular civil suit no. 47 of 2012 during the pendency of appeal preferred by the respondents before the district court.
3. Learned counsel Mr. Kulkarni appearing for the petitioner fairly refers to that having regard to aforesaid, interim relief may be allowed but only to the extent of delivery of possession as rest of process in execution upto that stage can be completed, which would save consumption of time in execution and it would be expedient that the execution of the decree is allowed to be proceeded with save and except delivery of possession.

4. Learned counsel for the respondents opposes.

5. Request of petitioner appears to be reasonable. In the circumstances, it would be expedient that the execution of decree dated 03-05-2016 passed by civil judge, senior division, Shrirampur in regular civil suit no. 47 of 2012 be proceeded with, however, until appeal is decided and for a period of 90 days after decision of appellate court, the possession in pursuance of the decree shall not be delivered. As such, the impugned order to the aforesaid extent stands modified.

6. Writ petition disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

arp/