

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3755 OF 2017**

Shri Vasant Bapu Koli ... Petitioner

Versus

Shri Gajanan Bapu Koli & ors. ... Respondents

Mr. Amitkumar D. Sale for the petitioner.

CORAM : M.S. SANKLECHA, J.

DATE : 19th SEPTEMBER, 2017.

P.C. :-

1. The petitioner has moved this petition for urgent reliefs.
2. Mr. Sale, learned Counsel appearing for the petitioner states that the respondents have refused to accept service and he undertakes to file affidavit of service by 26th September, 2017.
3. This petition under Article 227 of the Constitution of India challenges order dated 29th March, 2016 passed by the Principal District Judge, Sangli. The impugned order dated 29th March, 2016 is passed in the First Appeal and has stayed the judgment and decree dated 24th March, 2014 passed in Regular Civil Suit No.226 of 2010.

4. On considering all issued involved, the stay of the order and judgment dated 24th March, 2014 in the first Appeal cannot be found fault with, as otherwise if the decree is executed, the appeal itself may be rendered futile. Nothing has been shown to me from the impugned order which warrants inference under Article 227 of the Constitution of India. Thus, no interference is called for.

5. Moreover, the impugned order, is passed as far back on 29th March, 2016 and the petition has been filed on 27th February, 2017. No explanation is offered for the delay. This also militates against interfering with interim order passed by the Court below.

6. In the above view, the petition is dismissed. No orders as to costs.

(M.S. SANKLECHA, J.)