

Sarnobat

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

WRIT PETITION NO. 5046 OF 2013

Sou. Mahananda Sadashiv Thakur,
and Anr.

.. Petitioners

Vs.

Shri Laxman Dattu Sawant.

.. Respondent

Mr. Prashant Bhawke, Advocate for the Petitioners.

Mr. S. G. Thorat, Advocate for the Respondent.

CORAM : M. S. SANKLECHA, J.

DATE : 16th AUGUST, 2017.

P. C. :

1. This petition challenges the order dated 20th October, 2012 passed by the District Judge, Kolhapur. The impugned order dated 20th October, 2012 rejects the petitioners application to stay the judgment and decree dated 6th February, 2012 passed by the Civil Judge Jr. Division, Ajara.

2. This court while issuing a notice for admission by order dated 13th November, 2013 has stayed the judgment and decree dated 6th February, 2012 by the trial court which was the subject of challenge before the appellate court, till final disposal of this petition. However, the court clarified that the stay to the judgment and decree dated 6th February, 2012 of the trial court would not be an impediment in the appellate court to decide the appeal before it.

3. The learned counsel for the parties state that the appeal from

the order dated 6th February, 2012 is now at the final stage and the appeal is now adjourned to 28th August, 2017 for final argument.

4. In the above view, the judgment and decree dated 6th February, 2012 passed by the Civil Judge, Jr. Division, Ajara is the subject of appeal before the District Judge, which is likely to be decided in the very near future. Therefore, it would meet the ends of justice if the stay to the judgment and decree dated 6th February, 2012 by the trial court is continued till the final disposal of the appeal by the appellate court.

5. In the above view, the petition is disposed of with aforesaid terms. No order as to costs.

[M. S. SANKLECHA, J.]