

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1591/2017
IN
WRIT PETITION NO.6811/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Nitin Dalvi i/b. Abhaysingh A. Shinde for the applicant

Mr. A. M. Kulkarni i/b. Vaibhav R. Gaikwad for respondent No.1.

Mr. S. D. Rayrikar, AGP for respondent Nos.4 to 7.

CORAM : K. K. TATED, J.

DATE : AUGUST 2, 2017

P.C.:

1. Heard. This application is made by the original respondent No.1 for modification of the order dated 23.06.2017 passed by this court in Writ Petition No.6811/2017.

2. The learned counsel for the applicant submits that this court, by order dated 23.06.2017 admitted the petition and granted interim relief in terms of prayer clause (e) i.e. the operation and implementation of the order dated 27.12.2016 passed by respondent No.4 was stayed till hearing and final disposal of the Writ Petition. He submits that the applicant respondent No.1 has no objection if the impugned order dated 27.12.2016

passed by the learned Tahasildar, Khatav (Vaduj) in Execution Application No.2/2010 is stayed till hearing and final disposal of the appeal No.10/2017 filed by the petitioner.

3. The learned counsel for the applicant further submits that now he received instructions from respondent No.3 Balaso Shankar Jadhav to file an Affidavit-in-Reply stating, they have no objection for staying the order dated 27.12.2016 passed by the Tahasildar till hearing and final disposal of the appeal No.10/2017 pending before respondent No.5. Said affidavit is taken on record.

4. The learned counsel for the applicant submits that the respondent Nos.2A to 2E have already relinquished their right, title and interest in respect of the suit property in favour of all the brothers. These facts are not disputed by the learned counsel for the petitioner.

5. On the other hand, the learned counsel for the petitioner submits that they have no objection if the Civil Application is allowed because in any case, the order will be in the interest of petitioner only.

6. Considering these facts, by consent of the parties, the Civil Application as well as the Writ

Petition stand disposed of as follows :

- a. Respondent No.4 learned Tahasildar, Khatav, Dist. Satara is restrained by an order of injunction from executing final order dated 27.12.2016 till decision of appeal No.10/2017 pending for hearing and final disposal on merits before the respondent No.5 i.e. Sub Divisional Officer, Khatav, Dist. Satara.
- b. If an order in appeal No.10/2017 goes against the petitioner, same shall not be given effect to for a period of two weeks from the date of service of a copy of order.
- c. The respondent No.5 Sub Divisional Officer, Man-Khatav is directed to decide the appeal No.10/2017 filed by the petitioner on merits as early as possible.
- d. The Writ Petition as well as the Civil Application stand disposed with the aforesaid directions.
- e. No order as to costs.
- f. Parties to act on an authenticated copy of this order.

JUDGE