

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10724 OF 2018

**IRAMANI @ SARASWATI BASWANTAPPA MATHPATI SWAMI
AND ANOTHER
VERSUS
SULANBAI SAMBHAYYAPPA MATHPATI SWAMI AND
ANOTHER**

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Advocate for the Petitioners : Shri M. D. Narwadkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th SEPTEMBER, 2018.

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PER COURT :

1. The petitioners are objectors in RCA No. 12/2017, who have moved their application Exhibit No. 18 on 13/12/2017, praying for a stay to the execution of the judgment and decree delivered in RCS No. 43/1996. Exhibit No. 18 is still pending. Application Exhibit 22 was also filed for the same purpose which has been rejected by the impugned order dated 21/03/2018.

2. These petitioners were not parties to the original suit. By Exhibit No.18, they have prayed for staying the judgment and decree. They are not parties even to the pending Appeal and

no application has been filed before the Appellate Court to seek permission for being arrayed as respondents in the pending Appeal.

3. The appellant Gangadhar, who is a judgment debtor had approached the Honourable High Court for challenging the order passed below Exhibit 5 in Writ Petition No. 5387/2017. This Court has disposed off the Writ Petition and directed the Appellate Court to decide RCA No. 12/2017 expeditiously and within one month.

4. Considering the above, I do not find any reason to interfere with the impugned order. It is expected that the Appellate Court would scrupulously follow the directions of this Court issued in Writ Petition No. 5387/2017 and would consider all pending applications while deciding the said Appeal.

5. This petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-