

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

82 WRIT PETITION NO. 6357 OF 2018

LILABAI SARJERAO UNDE

..PETITIONER

VERSUS

SAYYED AHMEDALI CHANDALI THROUGH LRS
MADINABAI AHMEDALI SAYYED AND OTHERS

..RESPONDENTS

Mr. Rahul R. Karpe, Advocate for Petitioner.

Mr. Santosh S. Jadhav , Advocate for Respondent No.14.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 23rd July, 2018

PER COURT

. Heard learned counsel for the parties.

2. The present petitioner had filed Regular Civil Suit No.104 of 2007 for declaration that decree passed in Regular Civil Suit No. 143 of 1987 is null and void. The trial Court has dismissed the suit. Against dismissal of Regular Civil Suit No. 104 of 2007 petitioner has preferred Regular Civil Appeal No. 144 of 2018. During the course of appeal, an application Exh-5 for stay to execution of decree in Regular Civil Suit No. 143 of 1987

has been rejected by appellate Court on 12/06/2018. Aggrieved by said rejection petitioner-plaintiff is before this court questioning propriety and validity of order passed on Exhibit-5.

3. It is pointed out by the learned counsel for the petitioner that execution for partition and separate possession in earlier suit i.e. R.C.S. No. 43 of 1987 had been allowed to be proceeded with share determined by trial court which is claimed to be in possession of present petitioner.

4. The learned counsel for the parties on instructions seek a direction to the Appellate Court to decide the pending appeal expeditiously.

5. In the circumstances, without getting into the merits and having regard to the observations made in order dated 25/06/2018, it would be expedient that the pending appeal is proceeded with expeditiously and be disposed of within a period of four months from the date of receipt of writ of this order. The petitioner-appellant to make paper-book ready for

hearing. All necessary prerequisites for making appeal ready for hearing be complied with by the petitioner-appellant.

6. Needless to refer to that in the meanwhile, the interim order as passed on 25/06/2018 shall continue to operate.

7. Writ petition is accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE

Mujaheed