

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1033 OF 2018

Kailas Lakshman Satav

..Petitioner.

V/s.

Smt. Lilabai Lakshman Satav & Ors.

..Respondents.

Mr.S.C.Wakankar for the petitioner.

Mr.Sujit T.Pathak i/b. Mr.Amir Arsiwala for respondent Nos.2 to 6.

CORAM: NITIN W.SAMBRE, J.

DATE : JULY 11, 2018

P.C.:-

In a suit for partition, a preliminary decree came to be passed against which execution is stayed in Civil Appeal No. 644/2017 by the impugned order dated November 24, 2017 by Ad-hoc District Judge, Pune, which order is impugned in the present petition.

2. The petitioner, decree-holder submits that instead of staying the execution of the decree as a whole, let the execution proceed, as properties involved in the decree are both agricultural and non agricultural and it be made subject to the final outcome of

the appeal.

3. *Per contra*, the learned counsel for the respondents, judgment-debtor submits that hearing of the appeal itself can be expedited.

4. Considered the rival submissions.

5. In the aforesaid backdrop, the following order, in my opinion, will meets the ends of justice :-

- (i) Let the execution proceedings go on, however, there shall be stay to the possession till the final outcome of the appeal proceedings pending before the Ad-hoc District Judge, Pune;
- (ii) Hearing of the appeal before the Ad-hoc District Judge, Pune is expedited.

6. The petition stands disposed of with above directions.

(NITIN W.SAMBRE, J.)