

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

WRIT PETITION NO.2900 OF 2014

Badsha Mirshab @ Abalal Fakir
(since deceased) through his legal heirs

1A. Khairun Babasaha Fakir & Ors.

.. Petitioners

Vs.

Sonabai Ramu Ambi (since deceased)

Babasaheb Issak Fakir

.. Respondent

Mr.Vishwanath B. Rajure for the petitioners.

Mr.Sarvadnya Kadatane i/by Mr.Kuldeep U. Nikam for the respondent
no.2.

CORAM : R.D. DHANUKA, J.

DATE : 5th September 2018

P.C.:

1. Mr.Rajure, learned counsel for the petitioners invited my attention to the order dated 20th February 2014 passed by the learned Ad-hoc District Judge-I, Sangli thereby rejecting the application filed by the original defendant below Exhibit-7 inter alia praying for stay of execution proceedings. The learned Ad-hoc District Judge-I held that there were no execution proceedings before the lower Court based on the judgment and order passed in Regular Civil Suit No.164 of 2008 and accordingly the application Exhibit-7 was not tenable.

2. It is submitted by the learned counsel that this Court be pleased to expedite the Regular Civil Appeal No.181 of 2013 filed by his client before the learned Ad-hoc District Judge-I, Sangli. In my view, the request of the learned counsel is reasonable and deserves acceptance.

3. I am not inclined to interfere with the impugned order dated 20th February 2014. No interim order is granted by this Court in this petition till date. Appeal is pending since last 5 years. Hearing of Regular Civil Appeal No.181 of 2013 filed by the petitioner is expedited. Both the parties are directed to co-operate with each other and with the learned Ad-hoc District Judge-I in disposing of the said appeal expeditiously. Learned Ad-hoc District Judge-I shall decide the appeal without being influenced by the observations made and the conclusions drawn in the impugned order dated 20th February 2014 and preferably within six months from the date of communication of this order. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.