

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

WRIT PETITION NO. 8012 OF 2015

Shri Baikunthanath Hariharnath Dube ... Petitioner

Versus

M/s. Shanti Constructions & Ors. ... Respondents

**WITH
WRIT PETITION NO. 9218 OF 2015**

Smt. Menakadevi Baikunthanath Dube ... Petitioner
through her power of attorney holder
Shri Baikunthanath Hariharnath Dube

Versus

M/s. Shanti Constructions & Ors. ... Respondents

Mr. Manoj Patil for Petitioner in both Writ Petitions.

Mr. Raju D. Suryawanshi for Respondent No.1 in Writ Petition No. 8012 of 2015 and Respondent Nos. 1 to 3 in Writ Petition No. 9218 of 2015.

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 25, 2018.

P.C. :

. These Writ Petitions are by the Decree Holders questioning the order of the first appellate court dated 4th April 2015 in Regular Civil

Appeal Nos. 31 of 2015 and 32 of 2015, wherein the blanket stay is granted to the execution of the decree though there were directions in the decree to deposit the amount.

2. From the record it depicts that the stay is in operation against the Petitioners for the last more than three years. Though the learned Counsel for Petitioner was right in contending that the Respondents, who are Appellants before the first appellate court should have been put to condition of deposit of the amount, however, having regard to the fact that both the Appeals are pending for more than three years, upon joint request of the parties, it will be appropriate to direct that both these Appeals viz – Regular Civil Appeal Nos. 31 of 2015 and 32 of 2015 pending on the file of the learned District Judge, Thane be decided expeditiously.

3. The Respondents to the Writ Petitions i.e. Appellants before the first appellate court assure that they shall not seek any adjournment and shall conclude the hearing of both the Regular Civil Appeals within four weeks from today.

4. The learned District Judge, Thane shall make every endeavour to deliver the judgment within eight weeks from the arguments of the Appeals.

5. With the above directions, both the Writ Petitions stand disposed of.

(NITIN W. SAMBRE, J.)