

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 25771 OF 2018****Krushna Gundu Parit (Sawant)****..... Petitioner****VERSUS****Pandurang Dattatray Bhat & Ors.****..... Respondents**

Mr.Sudhakar V.Sadavarte for the Petitioner.

Mr.A.R.Metkari, A.G.P. for the Respondent no.3.

CORAM : R.D. DHANUKA, J.**DATE : 27th SEPTEMBER, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 4th August,2016 passed by the executing court rejecting the application Exs.25 and 29. The petitioner has already filed an appeal against the decree passed by the learned Civil Judge, Junior Division on 20th December,2016 directing the petitioner to handover the vacant possession of the suit property. The decree passed by the learned Civil Judge, Junior Division on 20th December,2016 shall not be executed for a period of two weeks. The petitioner would be at liberty to apply for stay in the appeal, if any, preferred against the order and judgment dated 20th December,2016.

3. Writ petition is disposed of in the aforesaid terms. No order as

to costs.

4. The petitioner is directed to convey this order to the respondent nos.1 and 2 and also to the executing court.

5. The parties as well as the executing court to act on the authenticated copy of this order. Except to the extent, the relief granted aforesaid, impugned order passed by the executing court is not interfered with.

6. It is made clear that no further extension of stay would be granted by this court.

[R.D. DHANUKA, J.]