

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9860 OF 2019

Sayaji Vishnu Satpute & Ors.

...Petitioners

Versus

Baban Vishnu Satpute & Ors.

...Respondents

.....
Mr. N.R.Thorat, Advocate holding for Mr. G.B.Kadlag,
Advocate for the Petitioners.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 07-08-2019.

PER COURT :

01. The petitioners are the original plaintiffs, who have succeeded before the Trial Court vide Judgment dated 30.8.2017 allowing R.C.S. No. 158/2012, which has been stayed by the Appellate Court vide the impugned Order dated 11.12.2018 during the pendency of regular Civil Appeal No.91/2017.

02. I have heard the learned Advocate for the petitioners and have gone through the petition paper book with his assistance. I have perused the 12 grounds formulated by him in the memo of the petition.

03. It is undisputed that the regular civil appeal

is pending final hearing and is more than 2 years old. The appellate Court has stayed the Judgment and decree. If such an ad-interim relief was not granted, the plaintiffs would execute the decree.

04. I find that an immovable agricultural property is involved in the suit. The Appellate Court was of the view that it would be proper to stay the Judgment and decree during the pendency of the appeal.

05. I find that an equitable Order has been passed by the Appellate Court. It can not be termed as being perverse or erroneous.

06. As such, this petition is disposed off. The Appellate Court is expected to decide R.C.A. No. 91/2017 as expeditiously as possible and preferably on or before 31.3.2020.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-