

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

904 SECOND APPEAL NO.429 OF 2019
WITH CA/8955/2019 IN SA/429/2019

BABARAO RANUJI GHUGE AND ANOTHER
VERSUS
MALIRAM@MALJI RANUJI GHUGE

...

Advocate for Appellants : Shri S.K. Naikwade h/f Shri Khiste P.V.
Advocate for Respondent nos.1 to 4 : Shri Kalani Pravin N. and Shri
L.M. Wankhede

CORAM: V.L. ACHLIYA, J.

DATE: 10.10.2019

PER COURT :

For the reasons separately recorded, following order is
passed:-

ORDER

A] The appeal is allowed. The impugned order dated 9.10.2017 passed below Exhibit 32 in R.D. No.22/2014 by learned Joint Civil Judge (J.D.), Court No.2, Jintur Dist.Parbhani and confirmed in Regular Civil Appeal No.133/2017 decided on 27.2.2019 by learned District Judge-4, Parbhani, are set aside.

B] The application (Exh.32) is restored to file.

C] The appellants and respondents are directed to

appear before the executing Court on 6.11.2019.

D] The executing Court is directed to decide the application (Exh.32) afresh, which is filed with a limited prayer to stay the execution proceedings till disposal of Regular Civil Suit No.110/2016 filed by the appellants.

E] The application (Exh.32) be decided within two weeks with effect from 6.11.2019.

F] The appellants are granted liberty to withdraw the application (Exh.32).

G] The appeal is disposed of in above terms.

H] In view of disposal of appeal, Civil Application No.8955/2019 stands disposed of in terms of order passed in the appeal.

(V.L. ACHLIYA, J.)