

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9870 OF 2019

VITTHAL MARUTI PARE AND ANOTHER
VERSUS
SANJANA BABASAHEB PARE AND OTHERS

Mr.N.V.Gaware, Advocate for the petitioners.

Mr.S.R.Zambre h/f Mr.N.B.Narwade, Advocate for respondent Nos. 1 to 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/09/2019

PER COURT :

1. The petitioners are the appellants before the Appellate Court in RCA No.330/2017 and original defendant Nos. 5 and 7 in RCS No.199/2005.

2. The petitioners are aggrieved by the order dated 09/10/2018 by which the Appellate Court has declined to stay Reg.Dkt.No.30/2015, which is pending before the Executing Court.

3. The learned Advocate for the petitioners has strenuously canvassed the grounds formulated in the memo of the petition and

submits that if the execution proceedings are not stayed, there is a possibility that the said proceedings would conclude before the appeal filed by the petitioners is decided.

4. It is stated that though the land has been measured, the possession of the land has not been taken from the petitioners who are judgment debtors.

5. The learned Advocate for the petitioners submits that the appeal paper book can be privately prepared and filed before the Appellate Court on or before 30/09/2019 and the matter can then be heard finally. The learned Advocate for respondent Nos. 1 to 4, who are decree holders, is agreeable.

6. In view of the above, this petition is disposed off. The petitioners shall deposit the private paper book in the appeal on or before 30/09/2019. The litigating sides shall advance their oral submissions in RCA No.330/2017 on or before 10/10/2019 and the Appellate Court is at liberty to deliver a judgment in the said appeal on or before 08/11/2019.

7. The execution proceedings shall proceed as per the procedure,

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however, handing over of the physical possession of the property shall be deferred till 08/11/2019.

(Ravindra V.Ghuge, J.)