

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO.4004 OF 2018

RAVINDRA SANTRAM NALAWADE AND OTHERS
VERSUS
BAPUSAHEB BHAGINATH NALAWADE AND OTHERS

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Advocate for Petitioners : Mr. Shejwal Arun S.
Advocate for Respondents : Ms. Mhase-Thube Patil Madhaveswari
i/b Lex Aquila

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2019

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PER COURT :-

1. The petitioners are original plaintiffs, who are aggrieved by the impugned interlocutory order dated 18.10.2016, passed by the appellate Court, by which, the execution and operation of the judgment and decree dated 19.10.2016, passed by the trial Court in RCS No.174 of 2011 has been stayed until the decision in the RCA No. 280 of 2016.

2. I have heard the learned Advocates for the respective sides. I find that the impugned interlocutory order is in operation for about 27 months. Learned counsel for the original defendants submits, on instructions, that the appeal was posted for final arguments on 9.1.2019.

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3. I am of the view that rather than entertaining this petition on an interlocutory order, which, *ex-facie* appears to be equitable, the appellate Court would as well, decide the appeal expeditiously.

4. In view of the above, this petition is disposed off. In the event, RCA No.280 of 2016 is not yet decided, the learned Advocates for the litigating sides would conclude their oral submissions on/or before 20.2.2019 and the appellate Court would deliver its judgment in the said appeal on/or before 30.3.2019.

(RAVINDRA V. GHUGE, J.)

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