

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12076 OF 2019

DASHRATH BANKAT RANKHAMB
VERSUS
ANNASAHEB UTTESHWAR KHATAL

Mr.P.S.Chavan, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2019

PER COURT :

1. The petitioner/decreed holder is aggrieved by the order dated 07/08/2019 passed by the Executing Court, by which RD No.44/2013 has been stayed on the ground that the judgment debtor has filed a second appeal before this Court alongwith an application for interim relief and the same is pending.

2. The learned Advocate for the petitioner strenuously submits that the Executing Court should have given an option to the judgment debtor to have the matter circulated and produce the order of the Second Appellate Court. Instead, a blanket stay has been granted and the execution proceedings have been stayed.

3. Considering the above, this petition is disposed off with liberty to the petitioner to circulate the second appeal preferred by the judgment debtor with due intimation to him. If he finds that the judgment debtors are unduly dealing with the second appeal proceedings, the petitioner would be at liberty to approach the Executing Court for recalling it's order dated 07/08/2019.

(Ravindra V.Ghuge, J.)