

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.12853 OF 2019

SHRIMANT ABAJI LOBHE AND OTHERS
VERSUS
VYANKAT ABA LOBHE AND OTHERS

...
Advocate for Petitioners : Shri Jadhav N.L.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 16, 2019

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PER COURT :-

1. The petitioners / decree holders are aggrieved by a cryptic order passed by the appellate Court, by which the execution proceedings have been stayed to the extent of handing over of possession during the pendency of the RCA No.13 of 2019.

2. The learned Advocate for the petitioners has strenuously criticized the impugned order. He points out that one of the original plaintiffs has already passed away. One plaintiff is 85 years old, another one is 75 years old, one is 70 years old and the rest are above 50 years of age. He relies upon the grounds raised in the petition and prays that the impugned order be quashed and set aside.

3. I find that as the RCA is pending, if the decree is executed and possession is handed over to the decree holders, it would create

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further complications. Instead, the pending appeal could be expedited, so that one stage of litigation between the parties is concluded finally.

4. In view of the above, this petition is disposed off and the learned first appellate Court is directed to decide RCA No.13 of 2019 as expeditiously as possible and preferably on/or before 31.7.2020.

(RAVINDRA V. GHUGE, J.)

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