

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.8509 OF 2019**

Liladhar Fakirrao Patil	]	Petitioner
Vs.		
Radhabai Ramji Javeri and others.	]	Respondents

.....
Mr. Tushar Sonawane, Advocate for the Petitioner.
.....

CORAM : R.G. KETKAR, J.

DATE : 7TH AUGUST, 2019.

P.C.

Heard Mr. Sonawane, learned Counsel for the petitioner.

2. This Petition takes exception to the order dated 25th April, 2019 passed by learned Ad-hoc District Judge-1, Nashik below Exhibit 3 in Regular Civil Appeal No.94 of 2019. By that order, the learned District Judge rejected the application Exhibit 3 made by the petitioner/appellant for staying Execution Proceedings of Regular Darkhast No.54 of 2011, pending before the learned Civil Judge Junior Division, Nashik.

3. Mr. Sonawane states that the petitioner is present in the Court. He has tendered photo copy of his "Aadhar Card", which is taken on record and marked 'X' for identification. He

submitted that in pursuance of the impugned order, respondents No.1 to 5 before the District Court/deed holders have taken possession of the suit premises on 3rd August, 2019. He, therefore, submitted that as the appeal preferred by the petitioner is pending before the learned District Judge, it may be clarified that respondents No.1 to 5 herein shall abide by the outcome of the appeal.

4. In view thereof, Petition is disposed of as respondents No.1 to 5 before the learned District Judge have taken possession of the suit premises. The learned District Judge will decide the appeal on the basis of the material on record and in accordance with law. Respondents No.1 to 5 shall abide by the outcome of the appeal subject to their right to challenge that order before the appropriate forum. The petitioner is at liberty to take out application in the pending appeal for injunction restraining respondents No.1 to 5 from creating third party interest and/or parting with possession of the suit premises. If such application is made, the learned District Judge will decide the same and pass the appropriate order.

[R.G. KETKAR, J.]