

sg

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9721 OF 2019

Raju Parshuram Bulbule And Anr. ...Petitioners

vs

Mohammad Sadiq Chowdhury ...Respondent

.....

Mr. Shantaram Tarale, a/w. Ms. Bhakti Bhosale, i/b. Ms. Geetanjali Shinde, for the Petitioners.

Mr. S.C. Wakankar, i/b. M.I. Choudhary, for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED: 7 OCTOBER, 2019

P.C. :

. After the matter is heard at some length, it is agreed between the parties that the present writ petition may be disposed of by directing the court of appeal, namely, the District Court at Pune, to hear the application for condonation of delay and admission of the appeal simultaneously, and, in case the court chooses to hear the appeal, to consider the interim application of the Appellant for stay of execution of the decree passed by the trial court afresh.

2. Accordingly, the impugned order dated 22 August 2019 is quashed and set aside and the application for stay is remanded to the

appeal court for a fresh hearing in accordance with law. The Court shall consider the application for condonation of delay together with the appeal for admission, and if it decides to hear the appeal, consider the application for interim stay pending hearing of the appeal. This Court is informed that the delay condonation application is already on board on 14 October 2019 and is likely to be disposed of soon. The District Court is requested to dispose of the delay condonation application within four weeks thereafter. Till the Court considers the delay condonation application and admission of the appeal, the Respondents/decreed holders shall not execute the decree. The writ petition is disposed of accordingly.

Smita
Gonsalves

Digitally signed by
Smita Gonsalves
Date: 2019.10.14
15:11:12 +0530

(S.C. GUPTE, J.)