

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.26767 OF 2019

Fulchand Danmal Jain

And Others

... Petitioners

Versus

Vimal Balkrishna Kharote

And Others

... Respondents

.....

Mr. Chaitanya Nikte a/w Ms. Sneha Bhange for the Petitioners.

Mr. Rohit Lanke i/b Mr. Rajesh A. More for the Respondents.

.....

CORAM : S.C. GUPTE, J.

DATE : 10 OCTOBER 2019

P. C. :

. This writ petition challenges an order passed by the District Court at Pune on an interim application for stay of an order impugned in a civil appeal. The District Court rejected the application, holding that there was no case for stay.

2 After this writ petition has been heard at some length, it is agreed between learned Counsel for the parties that the appeal, which is now anyway ripe for hearing and has been posted for hearing on 22 October 2019, should be disposed of expeditiously by the appellate court and in the meanwhile, execution of the decree passed by the Small Causes Court at Pune on 28 March 2016 should be

stayed. It is ordered accordingly.

3 The District Court shall dispose of Regular Civil Appeal No.597 of 2016 as expeditiously as possible and preferably within a period of eight weeks from 22 October 2019. The Respondents' application for mesne profits pending before the District Court shall also be decided simultaneously with Regular Civil Appeal No.597 of 2016.

4 In the meantime, there will be stay of execution of the impugned judgment and decree dated 28 March 2016 of the Small Causes Court at Pune.

5 All rights and contentions of the parties on merits are kept open.

6 The writ petition is disposed of accordingly.

(S.C. GUPTE, J.)