

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO.80 OF 2020

TEJRAJ CHAINRAJ CHOPDA
VERSUS
BHANUDAS EKNATH GAIKWAD DIED THRO LRS AND OTHERS

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Advocate for Petitioner : Mr. Mayure Pramod C.
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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 6th, 2020
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PER COURT :-

1 The petitioner, who is added in the execution proceeding, is aggrieved by the order dated 24.7.2019 rendered by the Executing Court, whereby the petitioner's prayer for staying the execution is rejected.

2 The plaintiff Bhanudas Gaikwad brought a suit for specific performance. The defendants took-up a plea that the suit property is already sold to one Sampatrao Chopda on 9.10.2007 i.e. the date on which the suit was filed.

3 The Trial Court decreed the suit by the Judgment & decree dated 22.2.2010.

4 It appears that in the period interregnum between the Judgment and decree i.e. 22.2.2010 of the Trial Court and filing of the appeal i.e. 29.3.2010, Shri Sampatrao transferred the suit

property in favour of the present petitioner vide sale deed dated 18.3.2010.

5 In view of the said development, the petitioner was added as a party to the execution.

6 The petitioner preferred an application for staying the execution which is rejected by the impugned order.

7 Transfer of the suit property in favour of Sampatraj and then by Shri Sampatraj in favour of the petitioner is hit by the doctrine of *lis pendens*. I do not find any reason to interfere with the order impugned in the writ jurisdiction.

8 The petition is dismissed.

(ROHIT BABAN DEO, J)