

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.15510 OF 2019

BABAN S/O KUNDLIK SATPUTE
VERSUS
SHANKAR S/O EKNATH JOGAS (DIED) THROUGH LRS SHALINIBAI W/
O SHANKAR JOGAS AND OTHERS

.....
Advocate for Petitioner : Mr. M. D. Narwadkar
Advocate for Respondents : Mr. A. R. Vaidya
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CORAM : V. K. JADHAV, J.
DATED : 30th JANUARY, 2020

PER COURT:-

1. By consent, this writ petition can be disposed of by directing the first appellate court to dispose of the pending appeal in a time bound manner. Learned counsel appearing for the respondents original plaintiffs, however, on instructions, makes a statement that in spite of granting stay to the judgment and decree passed by the trial court, the respondents-plaintiffs have filed execution petition before the court and the said execution petition is pending. The respondents-plaintiffs would not proceed with the said execution petition till disposal of the appeal pending before the District Court, if directed to be disposed of expeditiously in a time bound manner. Learned counsel however, submits that in case, if the appeal is not disposed of in a time bound manner owing to the reasons attributable to the petitioner herein, in that event before extension is granted, the respondents-plaintiffs may be heard.

2. In view of above, learned District Judge shall dispose of the pending Regular Civil Appeal No. 163 of 2018 as expeditiously as possible, preferably within a period of four months after the private paper book is furnished by the petitioner-original defendant. The petitioner-original defendant shall prepare private paper book of the requisite number and place it before the learned District Judge within three weeks from today. Needless to say that the respondents-plaintiffs shall not proceed with the execution petition till disposal of the appeal bearing Regular Civil Appeal No. 163 of 2018 by the learned District Judge and in case any extension is sought, the respondents-plaintiffs shall have the right to be heard before granting extension.

3. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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