

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1926 OF 2020

NATHA DHONDIBA DAREKAR THROUGH LRS PARUBAI NATHA
DAREKAR AND OTHERS
VERSUS
KARUNA JALINDAR DAREKAR AND OTHERS

...

Advocate for the Petitioners : Shri Andhale Sandip R.

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CORAM: ROHIT B. DEO, J.

DATE : 05th February, 2020

Per Court:

1 Perused the order impugned.

2 The petitioners, who are the Judgment Debtors, are aggrieved by the order impugned, which is passed on the application seeking stay to the execution of the judgment and decree.

3 The learned advocate for the petitioners submits that the possession of the Judgment Debtors be protected.

4 I do not see any reason for the petitioners to nurture an apprehension that their possession would be disturbed. The learned Appellate Court has made it clear that the execution proceedings shall proceed only till the stage of preparation of "Watap Takta". Obviously, the learned Appellate Court has protected the interest of the petitioners.

5 This Writ Petition is misconceived and is dismissed.

6 However, it is clarified that if there is any occasion for the
petitioners to nurture a genuine apprehension that they would lose their
possession before the final decision in the appeal, the petitioners shall be
free to prefer an appropriate application before the Appellate Court.

kps

(ROHIT B. DEO, J.)