

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

911 WRIT PETITION NO.1875 OF 2021

JAYSING VITHOBA GIRASE THR ITS SPL POWER OF
ATTORNEY CHARANSING JAISING GIRASE
VERSUS
PRATAPSING VITHOBA GIRASE AND OTHERS

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Advocate for Petitioner : Mr. Bhamre Manish V
Final Disposal Notice to Resp.No. 1 is Served.

**CORAM : PRITHVIRAJ K. CHAVAN , J.
DATE : 23rd MARCH, 2022.**

PER COURT :-

1. The petition can be disposed of finally at the stage of admission. Despite service, none for respondent.
2. District Judge-6, Dhule refused to extend stay to the execution of the judgment and decree passed in RCS No. 35/2012 by Civil Judge, Junior Division, Shindkheda on the ground that there was no formal application seeking extension of stay by the petitioner. The learned Judge, *inter alia*, observed that the said application below Exhibit-34 is disposed of as infructuous.
3. It is a matter of record that the petitioner, who is appellant before the District Judge, Dhule in Regular Civil Appeal No. 138/2017, has challenged the judgment and decree passed in a suit for partition dated 24th October, 2017. No fruitful purpose would be served by simply continuing the stay to the execution of the impugned judgment and decree, instead, the

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petition can be disposed of by directing the learned District Judge to expeditiously dispose of the appeal in accordance with law.

In the above circumstances, following order is expedient, -

ORDER

- i. The impugned order passed below Exhibit-34 is quashed and set aside;
- ii. The learned District Judge shall make an endeavour to dispose of the appeal bearing Regular Civil Appeal No.138/2017 on merits in accordance with law within a period of four months.
- iii. Till disposal of the appeal, the impugned judgment and decree, in question shall be stayed.
- iv. The petition stands disposed of in aforesaid terms.

(PRITHVIRAJ K. CHAVAN, J.)

BDV