

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 WRIT PETITION NO.7800 OF 2018

SAYED JAHIR NAWAJISH ALI
VERSUS
BALIGUNISA BEGUM MOHAMMAD SAMUDDIN CHOUDHARI

...
Advocate for Petitioner : Mr Govind A. Kulkarni h/f Mr D.R. Deshmukh
Advocate for Respondent sole : Mr M.S. Choudhary

CORAM : SANDEEP V. MARNE, J.

DATE : 22nd NOVEMBER, 2022

PER COURT :

1. By this petition, petitioner assails order dated 01.08.2017 passed by the District Judge-2, Udgir on application at Exh. 40. By that application, petitioner has sought stay to the execution of the Judgment and decree dated 17.11.2003 passed by the Civil Judge, Junior Division, Udgir in R.C.S. No. 248/1987.

2. Admittedly, petitioner was not party to the suit. His father was impleaded as party. The suit was allowed on 17.11.2003. Petitioner's father, who was defendant in the suit did not bother to challenge the decree dated 17.11.2003 during his life time. He expired on 12.06.2010. Only after death of the father, petitioner filed cross objection in pending appeal filed by the original plaintiff. The cross objections were filed in the year 2011. In the pending cross objection, petitioner moved an application on 01.04.2017 seeking stay to the execution of the decree.

3. Considering the conduct of petitioner's father and of petitioner himself, I am of the view that the District Court has rightly rejected the

petition. There has been inordinate delay on the part of petitioner in filing cross objection and later not moving the application for stay.

4. The writ petition is devoid of merits and the same is dismissed without any order as to costs.

[SANDEEP V. MARNE, J.]

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