

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

15 WRIT PETITION NO.13985 OF 2021

M.K. PATEL AND COMPANY AND OTHERS
VERSUS
KUMAR MANGALSING ARVINDSINGH PARIHAR AND OTHERS

...

Advocate for Petitioners : Mr.Anand P. Bhandari
Advocate for Respondent No.1 : Mr.S.H. Tripathi

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 4th July, 2022

ORDER :-

. The petitioners, by filing an appeal, have challenged the Judgment and decree of possession passed by the trial Court. Alongwith the appeal, application Exhibit-7 for seeking stay to the Judgment and decree of the trial Court is filed. The appellate Court has refused to stay the decree of possession.

2. Having heard both the learned Advocates and after going through the documents placed on record including the impugned order, this Court is of the view that if the impugned Judgment and decree of possession is not stayed, the appeal preferred by the petitioners would be rendered infructuous. It is, therefore, necessary to grant stay to the impugned Judgment and decree till the appeal filed by the petitioners is decided on merits.

3. In the result, the impugned order passed by the learned District Judge-2, Jalgaon, below application Exhibit-7 in Regular Civil Appeal No.25 of 2021, is hereby quashed and set aside.
4. Application Exhibit-7 filed in Regular Civil Appeal No.25 of 2021 is hereby allowed.
5. The appellate Court shall decide the appeal within a period of one year from today.
6. The parties shall co-operate in expeditious disposal of the appeal.
7. Writ petition is allowed in the above terms.

(NITIN B. SURYAWANSHI)
JUDGE

SPT