

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 8625 OF 2022

Shri Prashant Arun Patil and Ors. ... Petitioners
Versus
Parvatibai Dadarao Sarvade and Ors. ... Respondents

Ms. Pratibha D. Shelke for the Petitioners.
Mr. R. M. Haridas a/w Mr. Prasad P. Kulkarni for the Respondents 1 and 2.
Mr. Ramdas Hake-Patil for the Respondent 3.

CORAM: ROHIT B. DEO, J.
DATE : 21st JULY, 2022

P.C. :-

- . Rule.
2. With consent, the petition is heard finally.
3. The learned counsel for the petitioners and the learned counsel for the respondents are *ad idem* that this petition can be disposed of in terms of the order dated 7th July, 2022 in Writ Petitions 4652 of 2021 and 7754 of 2021, the relevant portion of which reads thus :-

“4. The objections are admittedly pending and it would be appropriate if the same are decided by the executing court on their own merit.

5. I see no reason why these petitions ought to be kept pending in this Court. However, the apprehension of the obstructionists is that since possession warrant is issued, the same may be executed.

6. The learned Counsel for the decree holder fairly agrees that till the objections are decided, the possession warrant shall

not be executed.

7. Even dehors the fair submission of the learned Counsel for the decree holder, in my considered view, the possession warrant will have to be stayed/kept in abeyance, till the objections preferred by the Petitioners/obstructionists are decided on merit. Hence, the possession warrant is stayed till the objections preferred by the Petitioners/obstructionists are decided on merit.

8. The amount which the Petitioners have deposited in the executing court pursuant to the order dated 16 March 2022 passed by this Court, shall be subject to the final outcome of the objections.”

4. The only direction which shall have to be issued is that the petitioners shall deposit the amount of Rs.50,000/- (Rupees Fifty Thousand Only) each in Executing Court within the next ninety days. The amount deposited shall be subject to the final outcome of the objections.

5. Petition is disposed of, for reasons stated and in terms of the order dated 7th July, 2022 in Writ Petitions 4652 of 2021 and 7754 of 2021.

[ROHIT B. DEO, J.]

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