

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1782 OF 2022

Mrs. Anita Arun Bhave

.. Petitioner

Versus

Shekhar Shankar Joshi

.. Respondent

-
- Mr. Rohit Joshi, Advocate for Petitioner.
 - Mr. Drupad S. Patil, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 20, 2022.

P.C.:

1. Heard Mr. Joshi, learned Advocate for Petitioner and Mr. Patil, learned Advocate for Respondent for some time.

2. Perused the impugned order dated 12.02.2021 passed below Exhibit-5. The Application below Exhibit-5 seeking stay of execution of decree dated 09.01.2020 has been moved before the Appellate Court by Respondent No.1. By the impugned order, the learned Appellate Court has stayed the execution and operation of the decree passed in Spl. Civil Suit No.131 of 2015.

3. Thus, the Civil Appeal No.11 of 2020 filed before the learned Appellate Court is the substantive proceeding between the parties.

4. Both learned Advocates have informed that the parties to the Suit and Appeal are senior citizens and it would be in their interest, if

this Court considers giving directions to the learned Appellate Court to dispose of the pending Civil Appeal expeditiously. That both parties are ready and willing to proceed with the hearing of the pending Appeal for seeking a final resolution.

5. Hence, after hearing the learned Advocates, the following order is passed:-

- (i) The impugned order dated 12.02.2021 is sustained with a direction to both parties to maintain status quo in respect of the suit properties;
- (ii) The learned District Judge, Raigad at Alibaug is directed to dispose of Civil Appeal No.11 of 2020 within a period of four months from today;
- (iii) The direction for deposit of costs in the impugned order is stayed;
- (iv) The learned District Judge, Raigad at Alibaug while disposing of Civil Appeal No.11 of 2020 shall not be influenced by any observations made in the impugned order dated 12.02.2021 and the Appeal shall be disposed of on its own merits and strictly in accordance with law.

6. It is clarified that the learned Appellate Court shall grant adjournment to the parties only if necessary and ensure disposal of the Civil Appeal as directed above.

7. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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