

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7956 OF 2017

Laxman Shivaji Harak and Others ...Petitioners
vs.
Kanchan Laxman Harak and Others ...Respondents
None for the Petitioners.

CORAM : N. J. JAMADAR, J.
DATE : JUNE 07, 2022

P.C.:

1. None present for the petitioners.
2. By this petition, the petitioners/applicants take exception to an order dated 30th April, 2016 passed on an application (Exhibit 5) in Civil M.A.No. 84 of 2016 for stay to the execution, operation and implementation of the decree in RCS No. 98 of 2005.
3. The said application for stay was preferred in an application filed by the petitioners for condonation of delay of 857 days in preferring the appeal against the decree passed in RCS No. 98 of 2005, with the assertion that if during the pendency of the application for condonation of delay the decree is executed, the petitioners would suffer irreparable loss.

4. By the impugned order, the learned District Judge, Nashik was persuaded to reject the application opining, inter alia, that the impugned decree was passed in December, 2013 and no justifiable reason was assigned to condone the delay. The learned District Judge thus directed that notices be issued to respondent/plaintiff. Liberty was also granted to the applicants/petitioners to move before the vacation Court/In-charge Court for interim relief after service to the respondents.

5. Having regard to the aforesaid nature of the order, at this length of time, no fruitful purpose would be served in keeping the instant petition alive. By this time, the respondents must have been served with the main application for condonation of delay in preferring the appeal and even the said application might have been decided.

6. Thus, the petition stands dismissed.

(N. J. JAMADAR, J.)