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

WRIT PETITION 2324 OF 2017

Vijay Sambhaji Waingade ... Petitioner
Versus
Satish alias Satej Sambhaji Waingade and Ors. ... Respondents

Mr. P. D. Dalvi for the Petitioner.
None for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 19th JULY, 2022

P.C. :-

. At the request of the learned counsel for the petitioner, respondents 4 to 13 are deleted, at the risk of the petitioner. Leave to amend the cause title is granted.

2. The petition is directed against the order dated 16th March, 2016 rendered by the 3rd Jt. Civil Judge, Junior Division, Ichalkaranji, below exhibit 67 in final decree application 5 of 2010 whereby the application preferred by the non-applicant 14 seeking stay of possession, is allowed, pending adjudication of his claim to the suit property.

3. Non-applicant 14 is not party to the civil suit from which the execution proceedings emanate. He is permitted to participate vide order dated 25th April, 2014.

4. This Court issued notice for final disposal, however although served, the contesting party-respondents 1 to 3 have not appeared.

5. I note that Regular Civil Suit 123 of 1994 is decided on 22nd March, 2010 and the judgment and decree has assumed finality. I am however not inclined to consider the submission of the learned counsel that the non-applicant 14-respondents 1 to 3 ought not to have been impleaded. The order of impleadment was rendered on 25th April, 2014 and it is only when the application of non-applicant 14 seeking stay of possession was allowed vide order dated 16th March, 2016, that this petition is filed challenging both the orders.

6. In my considered view, it would be appropriate that the Execution Court is directed to finally decide and disposed of final decree application 5 of 2010 as expeditiously as possible and in any event within the next six months.

7. Parties shall appear before the Executing Officer on 26th July, 2022.

8. The Executing Court is requested to ensure that unnecessary adjournments are not granted. Party shall cooperate with the Executing Court in early disposal of the proceedings and in any event disposal within the time stipulated.

9. Petition is disposed of.

[ROHIT B. DEO, J.]