

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

WRIT PETITION NO.14208 OF 2017

Prakash Laxman Mane
Versus
Pratap Laxman Gadage

..Petitioner
..Respondent

Mr. Makrand M. Kale for the Petitioner.
Mr. Nagesh Y. Chavan for the Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATED : 11th AUGUST, 2022

P.C.:

1. Admittedly the appeal at the behest of the respondent i.e. judgment debtor no. 1 against the award delivered in MACP No. 307 of 2008 is pending. In the said appeal the judgment debtor No. 1-Pratap Ghadage had every opportunity to move for the stay to the execution of the award which he has not done till this date.
2. In the aforesaid background, the order impugned passed by the MACT on 12/02/2016 is not sustainable as the MACT ought not to have stayed the execution proceedings considering the very object of the legislature.
3. As such, the order impugned dated 12/02/2016 is set aside. The Executing Court shall proceed with the execution.
4. However, this will not preclude the judgment debtor no. 1 i.e.

the respondent to the present proceedings to move in pending appeal seeking stay to the execution.

5. The petition stands allowed in the above terms.

ANANT
KRISHNA
NAIK

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(NITIN W. SAMBRE, J.)