

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10954 OF 2023

**RUDRASHIL SUBHASH BHAVRE
VERSUS
MAROTI MARIBA MANWAR AND OTHERS**

...
Advocate for Petitioner : Mr. Shaikh Rauf Shaikh Rasul
Advocate for Respondent Nos.1 to 3 : Mr. P.G. Gunale
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th SEPTEMBER, 2023

PER COURT :

1. Petitioner is aggrieved by the order dated 19/08/2023, passed by learned District Judge-2, Nanded, in Misc. Civil Appeal No.52/2023, thereby rejecting the appeal filed by petitioner challenging order passed by learned Civil Judge, Junior Division, Mahur, below Exhibit-158 in Regular Darkhast No.02/2014, thereby rejecting application for stay to the execution petition.

2. Facts which are not in dispute are that, decree is passed against father of the petitioner in Regular Civil Suit No.75/2001, on 10/01/2003. Respondent Nos.1 to 3 filed Regular Darkhast No.02/2014 for execution of the said decree, against respondent Nos.4 to 6. Petitioner filed objection in the said execution proceedings at Exhibit-154, claiming that the suit property is given to him by his father in partition, in the year 2001. Along with the

objection, he filed application Exhibit-158 for stay to the execution of decree, which is rejected by the executing Court vide order dated 23/05/2023. Petitioner has unsuccessfully challenged the said order by filing Misc Civil Appeal No.52/2023. Hence, the present petition.

3. Having heard learned advocate for petitioner and learned advocate for respondent Nos.1 to 3 and on perusal of writ petition memo, annexures thereto and the impugned orders, this Court, at this stage, is not inclined to go into the merits of the matter, as the main objection petition is pending before the executing Court.

4. In the peculiar facts of the present case, this Court deems it appropriate to direct the executing Court to decide the objection petition of the petitioner within a period of four weeks.

5. Writ petition is, therefore, disposed of with direction to the learned Civil Judge, Junior Division, Mahur, to decide objection petition at Exhibit-154 in R.D. No.02/2014, within a period of four weeks from the date of receipt of writ of this order. Till the decision is rendered by the executing Court on merits, attachment warrant shall remain stayed.

(NITIN B. SURYAWANSHI, J.)