

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

WRIT PETITION NO. 2416 OF 2023

Kashinath Vajjnath Todkari .. Petitioner

Versus

Swami Vivekanand Bahu Uddeshiya
Vikas Mandal, through its President
and another .. Respondents

Shri Pravin N. Kalani, Advocate for the Petitioner.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 28TH FEBRUARY, 2023.**

FINAL ORDER :

. Writ petition can be disposed of in view of the submission of the learned counsel for the petitioner that an application will be filed before the Appellate Court in R.C.A. No. 43 of 2017 seeking to continue stay of execution of judgment and decree in R.C.S. No. 28 of 2012, which was operating in his favour from time to time.

2. The impugned order dated 12th December, 2022 came to be challenged as according to the learned counsel for the petitioner inspite of a verbal understanding between parties that the appeal would be argued finally. The respondent decree holder is proceeding with the execution proceeding and the R.C.A. No. 43 of 2017 is not being heard finally.

3. Considering that the order dated 12th December, 2022, which is impugned in the present writ petition was passed on the joint pursis filed by the parties below Exhibit 43, no fault can be found with the impugned order directing the application to be considered along with main appeal in view of the joint pursis filed by the parties. As such no interference is warranted in the impugned order. However, the petitioner is at liberty to place on record the subsequent events by reason of which the petitioner is seeking to modify the order dated 12th December, 2022 and for a direction to continue the order of stay of the execution of the judgment and decree in R.C.S. No. 28 of 2012.

4. Writ petition is disposed of in above terms. No costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Feb. 23