

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14691 OF 2022

Nivruti Dhondi Wagh
(deceased through Legal Heirs)

Tukaram Nivruti Wagh

V/S

Narayan Dhondi Wagh & Ors.

....Petitioner

....Respondents

...

Mr. Nikhil Wadikar a/w Mr. Malhar Pawar i/b Mr. Nandu V. Pawar for the
Petitioner.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 23 JANUARY 2023.

P.C.:

1 By this Petition, Petitioners assail order dated 12 July 2022 passed by the Ad-hoc District Judge-1, Satara allowing the Application of Respondents for stay of execution proceeding during the pendency of Regular Civil Appeal No.232 of 2018.

2 The Suit bearing RCS No.72 of 1967 came to be decreed by the Trial Court by judgment and order dated 7 September 2018. The Appeal is thus pending before the Appellate Court for the last more than four years.

3 The learned Counsel for the Petitioner submits that the order of the District Judge be modified to the extent that the execution proceedings may

be allowed to proceed but handing over of possession can be stayed. In my view, since the Appeal itself is pending for more than four years, the Appellate Court can be requested to expedite the hearing of the Appeal rather than entertaining the present Petition on merits.

4 Accordingly, the Writ Petition is disposed of with a request to the Appellate Court to expedite the hearing of the Appeal and to make an endeavour to decide the same as expeditiously as possible.

(SANDEEP V. MARNE, J.)