

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

WRIT PETITION NO.620 OF 2008

Annapa Shankar Patil and Ors. ... Petitioners/Orig.Defendants

Versus

Smt.Sonabai Shivba Sutar and Ors. ... Respondents/Orig.Plaintiffs

....

Mr.Sandesh D. Patil a/w. Anusha P. Amin and Mr.Prithviraj Gole,
Advocate for the Petitioners.

Mr.Rajaram V. Bansode a/w. Ms.Sheetal M. Ubale, Advocate for the
Respondents.

Smt.Sonabai Shivba Sutar, Respondent No.1, present in court.

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CORAM : RAJESH S PATIL, J.

DATED : 27th JANUARY 2023

P.C.:

After the matter was argued for some time, the parties have agreed by consent that the impugned order dated 1st December 2007 passed by the District Judge-3 Kolhapur in Miscellaneous Application No.133 of 2006 be quashed and set aside with a timeline to District Court to dispose the Appeal, as Respondent No.1 is 81 years old senior citizen.

2 Hence, by consent, the impugned judgment and order dated December 2007 passed by District Judge-3 Kolhapur, in

Miscellaneous Application No.133 of 2006, is quashed and set aside.

3 The delay in filing the Appeal before the District Court, Kolhapur is condoned, by allowing the Miscellenous Civil Application No.133 of 2006.

4 The District Judge-3 Kolhapur should hear the Appeal after the same being numbered, on merits. The hearing of the Appeal should be completed within a period of three months from the date of receipt of this order.

5 All contentions of both the parties are kept open.

6 At this stage, advocate for the Petitioners states that during the pendency of this writ petition, the execution of judgment and decree passed by the trial Court dated 3rd April, 2004 was stayed. In view of the same, the stay granted by this Court to the judgment and decree dated 3rd April, 2004 is stayed till the disposal of the Appeal by the District Court, Kolhapur.

7 Writ Petition, is accordingly, disposed of.

8 Parties to act on authenticated copy of this order.

(RAJESH S. PATIL, J.)