

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2194 OF 2023**

Maruti R. Jagtap and anr. ...Petitioners
V/s.
Ratanlal J. Gandhi and anr. ...Respondents.

Mr. Prabhanjan Gujar for the Petitioners.

CORAM : N.R. BORKAR, J.
DATE : 08.06.2023.

P.C. :

1. This petition takes an exception to the order dated 6 March 2020 passed by the District Judge-4, Satara below Exhibit-50 in R.C.A. No. 210 of 2011.
2. The respondents herein had filed the Suit for injunction and possession against the present petitioners. The trial Court by judgment and decree dated 30 June 2007 directed the petitioners to hand over the possession of suit property to the respondents. The petitioners, in an appeal filed by them against the judgment and decree of the trial Court had filed an application for stay. The appellate Court rejected the said application by the order impugned.
3. I have heard the learned counsel for the petitioners.
4. It appears that pursuant to the decree dated 30 June 2007, the respondents had filed the execution in the year 2007 itself.

The appeal was thereafter filed in the year 2009. If the execution was already filed, it is not understood as to why the application for stay was not filed immediately after filing of the appeal. It appears that the petitioners after issuance of possession warrant had filed the application for stay on 11 January 2019, i.e., practically 10 years after filing of the appeal. Considering the facts and circumstances, the Appellate Court was justified in rejecting the application for stay. No interference is called for in the impugned order. The Petition is dismissed. However, considering the facts and circumstances, the appellate Court shall endeavour to decide the appeal filed by the petitioners as early as possible.

[N.R.BORKAR, J.]