

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

**CIVIL REVISION APPLICATION NO.942 OF 2010
WITH
INTERIM APPLICATION NO.12715 OF 2023
IN
CIVIL REVISION APPLICATION NO.942 OF 2010**

Shri Sadanand Narayan Govalkar
(Deceased) through legal heirs and anr. ... Applicants

Vs.

Shri Shriram Atmaram Rane and anr. ... Respondents

Mr.Vikas V. Khanolkar, Advocate for the Applicants.

Mr.P.G.Karande with Mr.S.S.Patil, Advocates for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 12 JULY, 2023.

P.C. :

INTERIM APPLICATION NO.12715 OF 2023

1. This interim application has been preferred by the Revision Applicants during the pendency of the Civil Revision Application for the following prayers:-

“(a) That this Hon’ble Court be pleased to quash and set aside the Execution Proceedings viz. Execution Application No.108 of 2021 in RAE Suit No.368 of 2000 pending before the court room no. 10 of the Small

Causes Court at Dhobi Talao, Mumbai alongwith the Warrant of Possession dated 09.04.2021 issued by the Small Causes Court.

(b) That pending the hearing and final disposal of this Interim Application, this Hon'ble Court be pleased to stay the operation and execution of the Execution Proceedings viz. Execution Application No.108 of 2021 in RAE Suit No.368 of 2000, pending before the court room no. 10 of the Small Causes Court at Dhobi Talao, Mumbai alongwith the Warrant of Possession dated 09.04.2021 issued by the Small Causes Court.

(c) The appropriate action and measures be taken by this Hon'ble Court against the Court Bailiffs, Court Room No.10 of the Small Causes Court at Dhobi Talao, Mumbai for their highhanded and illegal action taken for executing the Possession Warrant issued by the Small Causes Court at Bombay.

(d) That this Hon'ble Court be pleased to direct the Respondents to grant compensation to the Applicants for the mental harassment and torture meted out to the Applicants for illegally initiating Execution Proceedings against the Applicants without following the due process and procedure of law;

2. Mr.P.G.Karande, learned counsel for the Respondents makes a statement that till the final disposal of the revision application his clients- Respondents will not press for execution proceedings in Execution Application No.108 of 2021 in R.A.E. Suit No.368 of 2000.

3. With this statement nothing survives in the interim application and the interim application accordingly stands disposed.

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4. At the joint request of the learned counsel for the parties who submit that the final hearing be fixed on 23rd August, 2023, list on 23rd August, 2023 at 2.30 p.m.

5. Learned counsel are at liberty to circulate brief propositions and judgments in support in advance.

(ABHAY AHUJA, J.)