

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9415 OF 2022**

Mr. Laxman Chandru Khamkar
(since deceased through legal heirs) and Anr. ...Petitioners

Versus

Sou. Ambubai alias Tafe Balu Margale
(since deceased through legal heirs) and Ors. ...Respondents

Mr. Mandar Limaye for the Petitioner.
Mr. Chintamani K. Bhangoj for the Respondent.

CORAM : N.R. BORKAR, J.
DATED : 9 JUNE 2023

P.C. :-

1. The petitioners are the appellants in Second Appeal No. 12 of 2002. This Court on 17 January 2002 in the said Second Appeal passed the following order:-

"Heard learned advocate for the appellants and respondent No.1. The execution and implementation of the judgment and order passed by the Courts below is stayed during the pendency and final disposal of Second Appeal No. 12 of 2002. Liberty to Respondent Nos.2 and 3 to move for modification of the order for justifiable reasons, if any.

Application stands disposed of."

2. By the order impugned, the executing Court in view of the judgment of the Hon'ble Supreme Court in the matter of **Asian Resurfacing of Road Agency Pvt. Ltd. and Anr. V/s**

Central Bureau of Investigation¹, decided to proceed further with execution proceedings filed by the respondents pursuance to the decree, which is stayed by this Court in the above Second Appeal.

3. As the Second Appeal is still pending, I am not inclined to entertain the present petition. Petitioners are at liberty to move an appropriate application in the Second Appeal.

4. Learned counsel for the petitioners, on instructions, submits that the petitioners will file such application within a period of two weeks from today. The Executing Court shall not proceed with the execution for the period of four weeks.

5. The Writ Petition is disposed of in the above terms.

(N.R. BORKAR, J.)

¹ (2018) 16 Supreme Court Cases 299