

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5759 OF 2018

Rani Jagannath Survase & Anr.

....Petitioners

V/S

Indumati Dattatraya Solse & Ors.

....Respondents

...

Mr. Dnyaneshwar W. Bhosale for the Petitioners.

Mr. Sachin B. Chandan for Respondent Nos.1 and 2.

...

CORAM: SANDEEP V. MARNE, J.

DATE : AUGUST 17, 2023.

P.C.:

1 By this Petition Petitioners challenge the order dated 16 October 2017 passed by the *Ad hoc* District Judge-1, Pandharpur rejecting their Application seeking stay of the Decree dated 22 June 2010 passed in Regular Civil Suit No.386 of 2009.

2 By decree dated 22 June 2010, the suit is partly allowed by directing Defendant No.1 to execute sale deed in respect of the suit property. Petitioners claim rights in the suit property and were not impleaded to the suit. Therefore, they have instituted their own independent Appeal before the District Court raising challenge to the decree dated 22 June 2010.

3 The learned Counsel appearing for the Respondents would submit that in pursuance of execution proceedings filed by Plaintiff, the decree dated 22 June 2010 is already executed and sale deed has already been executed and registered on 14 November 2017.

4 In that view of the matter nothing would survive in the present Petition. The Writ Petition is accordingly disposed of as infructuous. It is clarified that the merits of the Appeal pending before the District Court are not considered by this Court.

(SANDEEP V. MARNE, J.)

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