

SA Pathan

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

WRIT PETITION NO.14677 OF 2023

Sundari Bhoja Pujari & Ors

... Petitioners

V/s.

Bhoja Rama Pujari

... Respondent

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Mr. Dhananjay C. Patthak, for Peititoners.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 5, 2023

P.C.:

1. The petitioner is judgment debtor against whom the Court has passed the decree.
2. According to the petitioner in an application for setting aside ex parte decree is pending, the Notice of Motion for stay of decree has not been decided by the Trial Court. But, the Court is proceeding with the execution of ex parte decree. According to him, the Trial Court seized with the application to set aside ex parte decree and it would be appropriate to direct the Trial Court to decide either interim application or an application under Order 9, Rule 13 of the Code of Civil Procedure, 1908.
3. Therefore, it would be in the interest of justice instead of interfering with the impugned order to direct the Trial Court to cease with Notice of Motion No.4011 of 2022.

4. The Trial Court is directed to decide the Notice of Motion No.4011 of 2022 within 8 weeks from today.
5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)