IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13783 OF 2023

Ranjana Surendra Sanghavi & Ors. ….. Petitioners
Vs.
Leela Vijay Gad ….. Respondent

Mr. Nirman Sharma a/w. Mr. Vishnudutt R. Mishra i/b Mr. Ashish Mishra for the Petitioners.
Mr. Jaydeep Deo for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 6th NOVEMBER 2023.

P. C.

1. Petition can be disposed of in view of the fact that in the restored Appeal No.111/2022, the Petitioners seeks to move an Application under Order 41 Rule 5 of CPC for stay of the decree passed on 14/10/2022.

2. Mr. Deo, learned counsel appearing for the Respondent submits that the issue of stay may not arise in view of the decree already been executed.

3. Be that as it may. Considering that the Petitioners seek to file an Application for stay before the Appellate Court, the Writ Petition can be disposed of with a direction to the Appellate Court to decide the Application after considering the contentions of both

Corrected pursuant to speaking to the minutes order dated 8/12/2023.

the parties and without being influenced by the order dated 17/9/2022 passed below Exhibit 10 in Appeal No.111/2022.

4. Needless to clarify that all rights and contentions of both parties including the issue of maintainability are expressly kept open.

5. Petition is disposed of in the above terms.

SHARMILA U. DESHMUKH, J.

Corrected pursuant to speaking to the minutes order dated 8/12/2023.