

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

**SECOND APPEAL (ST.) NO. 31992 OF 2022
WITH
INTERIM APPLICATION NO. 3658 OF 2023
IN
SECOND APPEAL (ST.) NO. 31992 OF 2022**

Abhiman Rambhau Pawar (since
deceased through legal heirs) :
Manjulabai Abhiman Pawar and ors. Appellants
v/s.
Jayprakash Narayan Yeola (since
deceased through legal heirs) :
Smt. Durga Jayprakash Yeola and ors. Respondents

Mr. Jayendra Khairnar for the Appellants.
Mr. Kush Lahankar i/b. Mr. Shrikrishna Ganbavale for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 03rd NOVEMBER, 2023.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 3658 OF 2023 :-

. By this Application, the Applicants seeks stay of execution and implementation of the impugned judgment and decree dated 06/01/2016 passed by the learned Civil Judge, Junior Division, Satana in Regular Civil Suit No.155/2003.

2. The records reveal that the Applicants herein had filed an appeal

before the First Appellate Court along with an application under section 5 of the Limitation Act to condone the delay of 22 months 17 days in preferring the Appeal. The said application stood dismissed for want of sufficient cause. I have gone through the reasons assigned by the learned Judge for dismissing the application for condonation of delay.

3. The records indicate that the Applicants herein had contested the suit throughout. It is stated that they were not aware of the judgment as the father of the original Defendant No.2 who was looking after the case had expired and the other applicants did not have the name, address and the contact number of the advocate on record. Prima facie, the Applicants had made out sufficient cause. Grave hardship will be caused to the Applicants in the event the decree is executed without affording an opportunity to challenge the same. Hence, the execution proceedings are stayed pending hearing of the Appeal.

4. Needless to say that the Applicants shall not alienate, transfer or create third party rights in respect of the suit property pending hearing of the Appeal.

5. Interim Application stands disposed of.

ORDER IN SECOND APPEAL (ST.) NO. 31992 OF 2022 :-

6. It is stated that the papers are not traceable. Leave granted to the Appellants to re-construct the file.

7. Stand over to **07/11/2023**.

PREETI
HEERO
JAYANI

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Date: 2023.11.06
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(SMT. ANUJA PRABHUDESSAI, J.)