

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 15998 OF 2022**

Jayprakash Dnyandeo Narkar

@ Jayprakash Dnyandeo Narkar

... Petitioner

V/s.

Damaji Ramji Shah and Ors.

....Respondents

Ms. Poonam P. Madhwani, Advocate for the Petitioner.

Mr. Ashok Singh, Advocate for the Respondent Nos.1 to 3.

CORAM : SANDEEP K. SHINDE, J.

MONDAY 2nd JANUARY, 2023

P.C. :

1. Heard learned counsel for the Parties.
2. Petitioner has filed Appeal No.A1/301 of 2022 against the eviction decree passed in R.A.E. & R. Suit No.804/1624 of 1996 before the Small Causes Court at Bombay. The appeal has been admitted on 19th December, 2022. Pending Appeal, Petitioner/Appellant moved an application seeking stay to the execution of the decree passed in above suit. Hearing of the application is scheduled on 9th January, 2023.

3. Learned counsel appearing for the Respondents, on instructions, submit that till date, respondents have not instituted execution proceedings. Statement is accepted. If that is the case, the apprehension of the Petitioner that Respondents would execute the decree is without any foundation.

4. In any case, since hearing of the application is scheduled on 9th January, 2023, learned Appellate Court shall decide the Petitioner's application for stay on its own merits without being influenced by this order.

5. Petition is disposed of in aforesaid terms.

(SANDEEP K. SHINDE, J.)