

24 January, 2023.

NEETA
SHAILESH
SAWANT

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12335 OF 2022

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Shashikala Satyawar Dhavale

.....Petitioner

V/s.

Ramesh Gajre

....Respondent

Mr. S.S. Kanetkar, Advocate for the petitioner.

Mr. Suhas Rohile, Advocate for the respondent.

CORAM : SANDEEP V. MARNE, J.

TUESDAY, 24 JANUARY, 2023.

P.C. :

1. By this petition, petitioner assails order dated 14 September, 2018 passed by the Ad-Hoc District Judge and Assistant Sessions Judge, Pune staying the execution proceedings during pendency of Civil Appeal No. 345/2018.

2. The Small Causes Court has passed decree in favour of the petitioner on 26 June, 2018 directing the respondents-defendants to handover possession of the suit premises to the plaintiffs. It is the contention of the petitioner-plaintiff that, in accordance with the judgment of the Supreme Court in **Atma Ram Properties (P) Ltd Versus. Federal Motors (P) Ltd.** (2005) 1 SCC

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705, the Appellate Court ought to have directed the respondents-defendants to provide some compensation to the plaintiffs for substantial loss caused on account of stay of execution proceedings.

3. Considering the fact that the order impugned is passed on 14 September, 2018 and the substantive appeal challenging the decree of the Small Causes Court is pending for last more than four long years, the Appellate Court is requested to expedite the hearing of Civil Appeal No. 345/2018 and shall make an endeavour to decide the same as expeditiously as possible, preferably within a period of six months from today.

4. The Appellate Court shall decide whether to grant any compensation to the plaintiff in respect of the period during pendency of the Appeal in the event, the plaintiffs succeed in the Appeal. With the above directions, the Writ Petition is disposed off.

(SANDEEP V. MARNE, J.)