

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 5410 of 2022

Sau Shweta @ Rewta w/o Yeshwant Talmale thr. POA Yashwant Talmale

Vs.

Shri Devrao Shravan @ Doma Ghormode and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Nitin Bhishikar, Advocate for the Petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 03.01.2023.

Heard.

2. In this petition, the challenge is raised to the order dated 28/10/2021, passed by the learned District Judge-5, Chandrapur in R.C.A. No. 15/2021 below Exhibit No.11 rejecting the application for grant of stay and thereby allowing the application Exhibit No.11 and thereby granted stay to the effect and operation of the judgment and decree dated 24/10/2018 in R.C.S. No. 46/2015.

3. The present petition was filed on 09/03/2022 and since then it was pending and no steps were taken to get it circulated and sought interim protection. In the circumstances, at this stage, I am of the opinion that considering the period lapsed in

between the impugned order passed and the listing of the matter before this Court, it is advisable to direct the learned District Judge-5 Chandrapur to decide the R.C.A. No. 15/2021 expeditiously on merits. Accordingly, I pass the following order.

ORDER

- (1) The writ petition is partly allowed.
- (2) The learned District Judge-5 Chandrapur is directed to decide the R.C.A. No. 15/2021 as expeditiously as possible and in any case on or before 31/05/2023.
- (3) The learned Lower Appellate Court shall not influence by the observations made in the impugned order.
- (4) The writ petition is disposed of accordingly. No order as to costs.

[ANIL S. KILOR, J.]