

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 3451 OF 2022

SAHEBRAO ALIAS BALA SAKHARAM VYAWAHARE DIED THR LRS
PRAKASH SAHEBRAO ALIAS BALA VYAWAHARE AND OTHERS

VERSUS

RATHABAI BHAU KOLHE DIED
THR LRS LAXMIBAI DIGAMBAR BANKAR

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Advocate for Petitioners : Mr. Shubham Jaybhar
h/f. Mr. Jayabhar Dattatraya R.

Advocate for Respondent : Mr. P. S. Pawar

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12 APRIL 2024

PER COURT :

Heard learned counsel for both the sides for some period.

2. It transpires that there is subsequent development in Regular Darkhast No. 125 of 2011 pending before learned Civil Judge Junior Division, Parner. Petitioner filed application exhibit 99 for staying the execution proceedings in view of pendency of subsequently filed RCS No. 18 of 2019. It was rejected on 23.02.2022. Learned counsel for the petitioner submits that it is

necessary to challenge the order. He, therefore, seeks leave to challenge the order.

3. Learned counsel Mr. Pawar for the respondent points out that there is no propriety in permitting the petitioner to challenge order below exhibit 99 in the present petition. Petitioner has independent remedy to challenge that order.

4. Present petition assails orders dated 18.04.2013, 15.05.2013 and 13.12.2021 passed by the executing Court. In order to avoid the complications, it would be in the interest of justice to dispose of present petition with a liberty to the petitioner to challenge orders passed in the execution proceedings.

5. Learned counsel for the petitioner prays for continuation of interim relief granted on 11.03.2022. Learned counsel Mr. Patil opposes the request.

6. As the interim orders were in the operation from 11.03.2022 till today, it would be in the interest of justice to stay further proceedings of R.D. No. 125 of 2011 for the period of two weeks only. After that, it shall stand automatically canceled, unless continued further.

7. Writ Petition is disposed of with a liberty to the petitioner to file composite petition challenging orders passed on 18.04.2013, 15.05.2013, and 13.12.2021, as well as order dated 23.02.2022 below exhibit 99.

[SHAILESH P. BRAHME, J.]