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17-wp-13690-24

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

17 WRIT PETITION NO. 13690 OF 2024

**RAMRAO SANBHAJI SHINGARE DECEASED THR LRS HIRKANABAI
RAMRAO SHINGARE AND ANOTHER**

VERSUS

VINAYAK SHANKAR BOLGAVE AND OTHERS

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Advocate for the Petitioner : Ms.Madhaveshwari S. Mhase

Advocate for Respondent No.1 : Mr. V. D. Gunale

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CORAM : R.M. JOSHI, J.

DATE : 16.12.2024

PER COURT :

1. During the course of hearing, it is revealed that RCA No. 19/12, is at the stage of passing judgment by the First Appellate Court. At this stage, the application was moved by the appellant before the First Appellate Court for stay for execution of the proceedings. The application came to be rejected at the stage of appeal which is for judgment. Since the stage of appeal is for judgment, it would be appropriate that the decree is passed by the trial court is not executed in judgment is delivered by the Appellate Court. This Court is informed that the judgment is not passed since 29.06.2024 on the ground that the report of the Commissioner of Stamps is not received in respect of payment of deficit fees on the document in question. It is sought to be contended that deficit stamp duty /penalty has already been paid and

such record is available on website of the department. Photocopy of communication dated 26.11.2024 from the department concerned to the Appellate Court is relied upon. Hence, appellate court is directed to decide RCA No.19/2012 in accordance with law expeditiously and in any case on or before 31.12.2024.

2. Needless to say that execution proceeding not to be proceeded till the judgment is delivered by the Appellate Court.

(R.M. JOSHI, J.)

shp