



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

907 WRIT PETITION NO. 2105 OF 2024

BHAGWAN DEVRAO NARALKAR
VERSUS
YOGITA BHAGWAN NARALKAR AND OTHERS

...
Advocate for the Petitioner : Mr. Garud Vijay Balvantrao
Advocate for Respondents No.1 and 2 : Mr. W. S. Jadhav
...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 30, 2024

PER COURT :-

1. Heard the learned Advocate for the petitioner.
2. The petitioner is challenging the impugned order dated 02/11/2023, passed by District Judge-9, Aurangabad, whereby his application to stay the execution of the compromise decree dated 06/03/1996, passed by civil Judge Junior Division, Paithan in Regular civil Suit No.198/1995 which was under execution in Regular Darkhast No.41/2012, is rejected by the Appellate Court.
3. The appeal is filed against the rejection of objection to the execution proceeding. In the pending appeal, the application for stay is filed and the same is rejected. The Appellate Court has prima facie rejected the application on the ground that there is a partition decree and it is preliminary decree, and as such, the Limitation Act will not come in to play in sending the preliminary order for execution under Section 54 of the Code of Civil Procedure, and that the decree is of the year 1996 and long period has gone and the decree holders are waiting of their share.
4. In the fact situation, prima facie I do not find any error in the interim

order of the Appellate Court. In a fitness of these, with consent the Civil Revision Appeal No.127 of 2023 pending before the District Judge, Aurangabad is directed to be decided within a period of six weeks from the production of the order.

5. With directions as above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.