

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.14555 OF 2024**

Balasaheb Ramchandra Ghadge and Ors.

...Petitioners

vs.

Dharmendra Dhondiba Gadge and Ors.

...Respondents

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|                        |                                     |
|------------------------|-------------------------------------|
| Mr.Samir Kumbhakoni:-  | Advocate for Petitioners.           |
| Mr.Hrishikesh Shinde:- | Advocate for Respondent Nos.1 to 4. |
| Mr.J.P.Patil:-         | AGP for Respondent No.5-State.      |

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**CORAM : S. M. MODAK, J.**

**DATE : 24<sup>th</sup> OCTOBER 2024**

**P. C. :-**

1. Heard learned Advocate for the Petitioners / Defendant Nos.1 A and 5 and learned Advocate for the Respondent No.1 / Plaintiff.
2. In the Suit, the Plaintiff has challenged the sale executed as per the provisions of the Maharashtra Tenancy and Agricultural Lands Act, 1948. There was an Application moved under Order 7, Rule 11 of the Code of Civil Procedure, 1908 (“**CPC**”) on the ground of bar. It was rejected by the trial Court. This order is challenged.
3. During pendency of the Suit, there was further sale in favour of

the Defendant No.5. By way of amendment, it is also challenged. The amendment is allowed by the trial Court. The said order is also challenged by way of this Petition.

4. Now, the matter is fixed before the trial Court for hearing on Exhibit-5 Application. The Petitioners want stay of the trial Court proceeding. Court has to balance the rights of both the parties. If, the proceedings are stayed, it will amount to staying the hearing of Exhibit-5 Application.

5. In pursuance to the query put by the Court, on the basis of instructions, learned Advocate Shri.Kumbhakoni for the Petitioners submitted that till next date, they will not create a third party interest. Learned Advocate for the Respondent No.1–Plaintiff assures that he will not press for hearing of Exhibit-5 Application in view of this undertaking.

6. In view of that, stand over to **4<sup>th</sup> December 2024.**

7. The Respondent No.1 is permitted to file Affidavit-in-Reply within four (4) weeks.

**[S. M. MODAK, J.]**