

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

Writ Petition No.14714 of 2024

Shoukat Maqbul Nadaf and anr. ... Petitioners
V/s.
Mumtaz Nadaf and anr. ... Respondents.

Mr. P.M. Arjunwadkar	Advocate for the Petitioners
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CORAM : S.M. MODAK, J

DATE : 20 December 2024.

P.C. :

The matter is taken on Board by way of a praecipe moved on behalf of the petitioners, it is for the reason yesterday the Court of Civil Judge Senior Division at Kolhapur has issued a possession warrant. The copy of Roznama dated 19 December 2024 from the trial Court is annexed to the praecipe. It records passing of an order on Exhibit-14. It also mentions about giving police protection.

2. Already there is an eviction decree and it is challenged before the appellate Court. The appellate Court stayed the execution of the decree subject to condition to deposit Rs.3000/- by way of compensation. When the petitioners-judgment debtors have challenged the said condition by way of this writ petition, on 24 October 2024 this Court permitted him to deposit the amount and subject to that the stay to the execution is to be revived. For some

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reason or the other the petitioner could not deposit the amount and that is why the executing Court has issued the possession warrant. No further documents are produced. It is clear that possession warrant is issued for non-deposit of amount only. According to Mr. Arjunwadkar the amount of arrears comes to Rs. 21,000/-. He undertakes to deposit the amount today itself before the Executing Court.

3. In view of that, the possession warrant issued by the Executing Court is stayed. Let the petitioner to continue to deposit the amount as directed by the appellate Court punctually before the Executing Court.

4. Stand over to **25 February 2025**.

(S.M. MODAK, J.)