

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2024.02.20
17:48:05 +0530

INTERIM APPLICATION NO.1854 OF 2024

IN

WRIT PETITION NO.6898 OF 1998

Narayan K. Ponkshe, since deceased
through His L.Rs. - Mrs.Meera N. Ponkshe & Ors. ..Applicants

IN THE MATTER BETWEEN :

Narayan K. Ponkshe, since deceased
through His L.Rs. - Mrs.Meera N. Ponkshe & Ors. ..Petitioners
V/s.

Shivling b. Kumbhar, since deceased
through His L.Rs. -
Smt.Padmavati S. Kumbhar & Ors. ..Respondents

Mr.Suryajeet P. Chavan for the Applicants / Petitioners.

CORAM : RAJESH S. PATIL, J.

DATE : 20TH FEBRUARY, 2024.

P.C. :-

1. The papers are allowed to be produced on production board at 4:30 p.m. in view of extreme urgency.
2. This Interim Application is filed to bring on record the legal heirs of the deceased sole Applicant. There is some delay in

filing this Interim Application.

3. Issue notice to the Respondents, returnable on 19 March 2024. Apart from the Court notice, the Applicants are permitted to serve the Respondents by advocate's private notice by all permissible modes of service and file affidavit of service before the returnable date.

4. Mr.Chavan appearing for the Applicants submits that the Writ Petition is of the year 1998. While admitting the Petition, *ad-interim* relief was granted in favour of the Petitioner. He further submits that the sole Petitioner has died. It is the case of the Respondents that the Petition is abated, so also the order of grating stay, Hence Exhibit 158 is filed in Darkhast Application of the year 1989 by the Respondents / Landlords. He submits that on 2 February 2024, the Civil Judge (Junior Division), Tasgaon passed an order issuing possession order against the Petitioners directing the Bailiff to hand over possession. He submits that since passing of the order dated 2 February 2024 by the Civil Judge (Junior Division), Tasgaon, the Bailiff is in the door steps of the Petitioners to execute the

possession warrant.

5. Hence the Bailiff is directed not to execute the order dated 2 February 2024. There will be *status-quo* to the implementation and execution of the order dated 2 February 2024, till further orders of this Court.

6. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)