

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13190 OF 2024

Mohmmad Ambir Shaikh And Another
VERSUS
Anil Nanasaheb Ghogare And Others

• Mr. S. B. Madde, Advocate for the Petitioners

CORAM : R. M. JOSHI, J
DATE : FEBRUARY 17, 2025

PER COURT :

1. Learned Counsel for the Petitioners submit that the Appellate Court while deciding Misc. Civil Appeal No. 21/2023 has failed to take into consideration the documentary evidence on record which indicate that Plaintiff is the owner of the suit property on the basis of registered sale deeds. It is his submission that the Trial Court while allowing application Exh. 5 has rightly taken into consideration the facts as they are *prima facie* appearing from the record. He has filed affidavit of the Petitioners indicating that there is no change in the position of the suit property since the time of passing of the order below Exh. 5 by the Trial Court.

2. The statement on oath is accepted.

3. Relying upon the said statement, the impugned order dated 30.09.2024 passed in Misc. Civil Appeal No. 21/2023 stands stayed till next date of hearing.

4. Issue notice to Respondents, returnable on 22.04.2025.

(R. M. JOSHI, J.)