

Pallavi

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12610 OF 2024**

Gulab Baban Khedkar And Ors.	...Petitioners
<i>Versus</i>	
Suresh Baliram Chavan And Ors.	...Respondents

Mr Chaitanya Nikte *a/w Shubhankar Kulkarni for the Petitioners.*
Mr Sumant R. Deshpande, *for the Respondents.*
Ms Vaishali Nimbalkar, *AGP for Respondent - State.*

CORAM	Jitendra Jain, J.
DATED:	13 AUGUST 2025

PC:-

1. This Petition challenges order dated 10 August 2015 passed by Respondent No.13 whereby the appeal filed by the Petitioner was dismissed on the ground that this Court has stayed the proceedings vide order dated 4 February 2015. The impugned order further states that on appropriate orders being passed by this Court the Appeal filed before Respondent No.13 will be proceeded further.

2. I have perused the order dated 4 February 2015 passed in Writ Petition No.470 of 2015 wherein ad-interim relief in terms of prayer clause (c) was granted. The said prayer clause (c) of Writ Petition No.270 of 2015 reads as under :-

“(c) Pending the hearing and final disposal of the present petition the further proceedings in Appeal in appeal/S.R.No.2901/13, pending before the Ld. District Superintendent Land Records, Thane may kindly be stayed.”

3. The above prayer only restrains hearing and final disposal of the appeal filed before Respondent No.13.

4. In my view, Respondent No.13 has wrongly passed the impugned order on an erroneous reading of the stay order granted by this Court on 4 February 2015. Therefore, the impugned order dated 10 August 2015 is quashed and set aside and the RTS Appeal No.2901 of 2013 is restored to the file of Respondent No.13 for adjudication on merits.

5. Writ Petition is disposed of in above terms.

(Jitendra Jain, J)