IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.785 OF 2017

Shirish Dnyandeo Shinde and Ors. ... Petitioners
versus
Yashwant Maruti Shinde and Ors. … Respondents

WITH
CIVIL APPLICATION NO.1305 OF 2017
WITH
INTERIM APPLICATION NO.14957 OF 2024

Ms. Padmini G. Ainapure, for Petitioners/applicants.
Mr. D.J.Shejul, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 21 JANUARY 2025

P.C.

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to the execution proceedings i.e. Regular Darkhast No.67 of 1999 preferred by the decree holders to execute the decree passed in Civil Suit No.191 of 1982. The Petitioners preferred an appeal being Regular Civil Appeal No.288 of 1998. The said appeal came to be dismissed. The Petitioners have filed Second Appeal No.779 of 2005 challenging the order of granting relief of declaration in respect of the share of the Respondents. The Second Appeal was admitted on 25 November 2014.

3. Since the decree, of which the execution is sought to be stayed by preferring this Petition, is the subject matter of the Second Appeal No.779 of 2005, on the first principles, the Writ Petition against the said decree is not

maintainable.

4. The Writ Petition as well as the pending Applications stand dismissed.

(N.J.JAMADAR, J.)

SWAROOP SHARAD PHADKE
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