

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12196 OF 2025

Sheroo Farmroze Patel (deceased)
Sheriar Framroze Patel ...Petitioner

Versus

Sairus Adi Printer and ors. ...Respondents

Mr. Shivshankar Patil, a/w Pratiksha Keni, for the Petitioner.

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CORAM: N. J. JAMADAR, J.

DATED: 22nd SEPTEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file a fresh application before the Executing Court to stay the execution of the decree on the count that in First Appeal No.169 of 2013, this court has stayed the execution of the decree to the extent of delivering possession of the suit property.
3. I have perused the order dated 19th August, 2013. It appears that by the said order this Court directed that, possession shall not be taken from the appellant pursuant to the decree. By a subsequent order dated 18th March, 2016 the First Appeals including First Appeal No.169 of 2013, were

admitted. The learned Counsel for the petitioner submits that, the order dated 19th August, 2014 passed in FA/169/2013 is still in force.

4. However, it does not appear that stay to the execution of the decree was sought on the count that this Court has stayed the execution of the decree in the aforesaid First Appeal. Instead, the Executing Court was called upon to decide the issue of title; which was rightly rejected by the Executing Court.

5. Faced with the aforesaid situation, the learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to take out a new application before the Executing Court.

6. In view of the aforesaid submission, the petition stands dismissed as withdrawn with liberty to the petitioner to file a fresh application to seek the stay to the execution of the decree on the ground that the interim order passed by this Court in FA/169/2013, still operates.

7. The petition stands disposed.

[N. J. JAMADAR, J.]