

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13707 OF 2025

Kedar Ganesh Soman

...Petitioner

Versus

Ramesh Atmaram Musale (since deceased)
thru LRs.

...Respondent

Mr. Drupad Patil, Advocate for Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED : 17th October 2025

P.C.:

1. In this Writ Petition filed under Article 227 of the Constitution of India, challenge is to the legality and validity of the Order dated 6th October 2025 passed by the learned District Judge-23, Pune below Exhibit-5 in Regular Civil Appeal No.187 of 2020, by which the Application seeking stay of the eviction decree has been rejected.

2. Mr. Drupad Patil, learned Counsel for the Petitioner submits that instead of rejecting the Application filed for stay of the eviction decree passed by the learned Trial Court, the learned District Judge could have imposed the conditions for stay in terms

of law laid down by the Supreme Court in the case of **Atma Ram Properties (P) Limited Vs. Federal Motors Limited**¹.

3. Mr. Drupad Patil, learned Counsel for the Petitioner in view of above submissions seeks withdrawal of the Writ Petition with liberty to file Review Petition before the learned Appellate Court seeking review of the impugned Order dated 6th October 2025. passed by the learned District Judge-23, Pune below Exhibit-5 in Regular Civil Appeal No.187 of 2020.

4. Mr. Drupad Patil, learned Counsel submits that the next date before the learned Appellate Court is 28th November 2025. He states that on or before 14th November 2025 without prejudice to the rights and contentions of the Petitioner, an amount of Rs.1,00,000/- will be deposited before the learned Appellate Court. He further states that in the Review Petition even the prayer will also be made to fix compensation in terms of the law laid down by the Supreme Court in the case of Atma Ram (supra).

5. In view of said contentions raised, till 28th November 2025, the eviction decree shall not be executed.

¹ (2005) 1 SCC 705

6. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of subject to above.

7. It is clarified that this Court has not considered the merits and all contentions of both the parties are expressly kept open. It is further clarified that even said deposit of Rs.1,00,000/- is also without prejudice to the rights and contentions of both the parties including of the Respondents.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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Date: 2025.10.17
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