

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15150 OF 2025

Ganesh Ramdas Bolji and ors. ...Petitioners

Versus

Smita Navnath Bhad and anr. ...Respondents

Mr. D. V. Sutar, a/w Shruti Ghodake, i/b Kavita Vijapure, for
the Petitioners.

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CORAM: N. J. JAMADAR, J.

DATED: 10th NOVEMBER, 2025

Oral Order:-

1. Heard the learned for the petitioners.
2. The challenge in this petition is to an order dated 13th October, 2025 passed by the learned District Judge, Yeola, whereby an application preferred by the petitioner – defendant for stay to the execution, operation and implementation of an order passed by the learned Civil Judge in RCS No.240 of 2025 on an application for temporary injunction thereby restraining the petitioners from causing obstruction to the possession of the plaintiff over the suit property till the disposal of the suit, came to be rejected.
3. The respondent No.1 has instituted a suit for declaration that respondent No.1 is the owner of the suit property and the

consequential relief of injunction to restrain the defendant from causing obstruction to the possession and enjoyment of the suit property by respondent No.1. The learned Civil Judge was persuaded to allow the application for temporary injunction recording *inter alia* that respondent No.1 is in possession of the suit property.

4. Being aggrieved, the petitioners have preferred an appeal before the learned District Judge. In the said appeal, an application for stay to the execution, operation and implementation of the order dated 21st September, 2025 passed by the learned Civil Judge, was preferred. By the impugned order, the learned District Judge has rejected the application recording a *prima facie* view that the trial Court has found that the plaintiff is in the possession of the suit property.

5. Having regard to the nature of the impugned order, while the Misc. Civil Appeal is still sub-judice before the Appellate Court, this Court, in exercise of the supervisory jurisdiction, does not find any propriety in entertaining the petition. It would be expedient in the interest of justice to request the learned District Judge to hear and decide the Misc. Civil Appeal itself expeditiously.

6. Hence, the petition stands disposed with a request to the learned District Judge to hear and decide Misc. Civil Appeal No.24 of 2025 as expeditiously as possible and, preferably, within a period of three months from the next scheduled listing of the appeal.

7. The petition stands disposed.

8. It is clarified that this Court has not entered into the merits of the matter and all contentions of all the parties are kept open for consideration.

[N. J. JAMADAR, J.]