

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16362 OF 2025**

Thakur Pribhdas Bhojwani & Ors.

..Petitioners

Versus

Haresh Pribhdas Bhojwani & Anr.

...Respondents

SANTOSH
SUBHASH
KULKARNI

Mr. Hitesh Vyas a/w Mr. Chandrashekhar Yadav, Mr. Sujeet
Dubey & Mr. S. Vishwakarma, for the Petitioner.

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SANTOSH SUBHASH
KULKARNI
Date: 2025.12.11
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CORAM: N. J. JAMADAR, J.

DATE : 09th DECEMBER 2025

P.C.:

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 17th October, 2025 whereby the Appellate Court has declined to stay the execution, operation and implementation of a decree passed by the Trial Court dated 08th May, 2025 whereunder the petitioner has been ordered to hand over the vacant possession of the suit property to the plaintiff/respondent.
3. Since the decree is for delivery of possession of the property, the Appellate Court could have exercised the discretion in a more judicious manner. An arguable case is made out.

4. Issue notice to respondents, returnable on 27th January, 2026.
5. In addition to notice through Court, the petitioners are at liberty to serve the respondents by private service and file an Affidavit of Service.
6. In the meanwhile, subject to the petitioners furnishing security to the satisfaction of the Trial Court, within a period of three weeks, there shall be stay to the execution and operation of decree passed by the Trial Court dated 08th May, 2025 in RCS No. 270/2013.

[N. J. JAMADAR, J.]