

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16640 OF 2025**

Raghunath Ladku Pawar

..Petitioner

Versus

Kisan Shankar Nimbale & Anr.

...Respondents

Mr. Manish Khadakban, for the Petitioner.

Mr. Aakash Bhopi i/b Mr. Vijay Killedar, for Respondents.

CORAM: N. J. JAMADAR, J.

DATE : 09th DECEMBER 2025

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P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 03rd July, 2025 passed by the learned District Judge-2, Kalyan whereby an application for stay to the execution and operation of the decree passed in RCS No. 62/2015 was allowed and the execution and operation of the said decree has been stayed till the final disposal of the appeal.
3. The learned Counsel for petitioner/respondent in the appeal submits that, the application was allowed *ex parte*. The petitioner-decree holder was not heard.

4. From the perusal of the impugned order, it becomes evident that, the learned District Judge was persuaded to allow the application as neither reply to the application was filed nor the Advocate for Respondent Nos. 1 & 2 was present before the Court when the application was taken up for hearing.

5. In these circumstances, this Court consider it expedient to provide an opportunity to the petitioner to appear and contest the application (Exh. 5) in RCA No. 28/2023.

6. The application for stay (Exh. 5) in RCA No. 28/2023 stands restored to the file of learned District Judge.

7. The learned District Judge is requested to hear and decide the said application (Exh. 5) afresh after providing an effective opportunity of hearing to the parties.

8. The Respondent Nos. 1 & 2 in the appeal shall file reply to the said application within a period of four weeks from the date of uploading of this order.

9. The order passed by the learned District Judge on 03rd July, 2025 staying the execution and operation of the decree passed in RCS No. 62/2015 shall continue to operate as an ad-interim order till the decision of the said application.

10. The petition stands disposed.

[N. J. JAMADAR, J.]