



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5889 OF 2025

SHASHIKANT S/O VINAYAKRAO MAHALLE

VERSUS

GAURAV S/O SANTOSHSINGH RATHOD

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kushal Jain, Advocate for Petitioner.

Mr. C.A. Babrekar, Advocate for Caveator/Respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 15th OCTOBER 2025

1. Heard learned Advocate for the petitioner and Advocate Mr. C.A. Babrekar, who appears on caveat, for the respondent.

2. The petitioner's challenge is to the order dated 20.09.2025, passed by the appellate court in R.C.A. No.60 of 2023, thereby rejecting the application for stay to the execution of the judgment and decree passed by the trial court.

3. It is pointed out that R.C.A. No.60 of 2023, in which the impugned order was passed, is listed for final arguments on 29th October 2025. The appeal was filed challenging the decree for specific performance of contract. Learned Advocate for the respondent submits that, in the execution proceedings, the sale-deed is already executed and the only issue remains is about handing over of possession.

4. Learned Advocate for the petitioner submits that the petitioner/appellant desires to contest the appeal on merits and undertakes to argue the appeal on next date without seeking any adjournment.

5. Learned Advocate for the respondent fairly states that instead of contesting the instant petition, the respondent is ready to contest the appeal in case it is directed to be expeditiously decided and in this situation, during the pendency of the appeal, the respondent will not press for grant of possession in the execution proceedings.

6. In view of the controversy involved and the submissions advanced, it will be in the interest of justice to direct the appeal to be decided expeditiously. Therefore, the appellate court is directed to expeditiously decide R.C.A. No.60 of 2023, which is fixed for final arguments on 29th October 2025, within a period of one month, after the arguments are advanced by both parties.

7. In view of this, no further orders are required to be passed in the instant petition and the writ petition is disposed of.

(PRAFULLA S. KHUBALKAR, J.)