



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

Writ Petition No.4033 of 2024
Dilip s/o Nilkanth Kale Vs. Vinod Ganpat Ambekar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Omkar R.Deshpande, Advocate for petitioner.
Mr. A.N.Shinde, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 15/10/2025.

1. Heard Mr.Omkar Deshpande, learned counsel for petitioner and Mr.A.N.Shinde, learned counsel for respondent.
2. The petitioner has challenged the impugned order dated 8.5.2024 passed by the learned District & Sessions Judge-1, Kelapur in M.J.C.No.18/2024, thereby staying the execution of decree passed in Special Civil Suit No.25/2019.
3. Mr. Omkar R.Deshpande, learned counsel for petitioner submits that order of stay of execution was passed on 8.5.2024 whereas the order appointing Assistant Superintendent for execution of sale deed through Court was passed on 9.2.2024, pursuant to which sale deed was already executed on 19.3.2024. Therefore, execution was practically satisfied before granting stay.
4. The respondent herein filed an appeal along with application below Exhibit-11 seeking stay of execution proceedings.
5. I have gone through the application and impugned dated 8th May, 2024.
6. The learned Appellate Court without recording any reasons passed such cryptic order. Therefore, without going into the merits of the matter, the order dated 8th May, 2024, below

Ex.11, is set aside and the same is restored to its file . The District Judge shall give an opportunity of hearing to both sides and pass an order on Exhibit 11 on its own merits.

7. The petition stands disposed of accordingly.

(Siddheshwar S. Thombre, J)

mukund ambulkar