



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 WRIT PETITION NO. 928 OF 2026

SHAKEELABI ALIAS SHAKILABI SHABBIR SHAIKH AND OTHERS

VERSUS

RASHIDKHAN MOHAMMAD KHAN PATHAN AND OTHERS

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MR. S. S. Munot, Advocate for the Petitioners

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 28th JANUARY, 2026

P C. :-

1. The present Writ Petition takes exception to order dated 14.08.2023 passed by District Judge, Dhule below Exhibit 5 in Regular Civil Appeal No. 52 of 2023.

2. The Petitioners are original Plaintiffs in Special Civil Suit No. 271 of 2022, instituted for partition and separate possession of suit property. The Trial Court decreed the suit, holding that Plaintiffs are entitled for partition and separate possession as prayed and specified the shares of respective parties. Aggrieved, Defendants filed Regular Civil Appeal No. 52 of 2023 before District Judge, Dhule. They filed an application below Exhibit 5 for stay to the execution and operation of decree. The learned District Judge allowed said application vide order dated 14.08.2023. It appears that present Writ

Petition has been filed belatedly i.e. after two years of passing impugned order and there is hardly any explanation for delay in filing of Writ Petition. Apart from that if Defendants have filed appeal against decree passed in partition suit it is obvious that they would ask for stay to the execution of decree. The Appellate Court, after considering rival contentions, found that a prima facie case is made to grant the stay to the decree and accordingly, passed impugned order. No infirmity can be found in approach of learned District Judge and no case is made out to cause interference under Article 227 of Constitution of India.

3. In that view of matter, Writ Petition stands rejected. However, learned District Judge is expected to hear and decide Appeal expeditiously.

(S. G. CHAPALGAONKAR, J.)

ssp