



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 WRIT PETITION NO. 711 OF 2026

DEELIP JANARDHAN NAIBAL AND OTHERS
VERSUS
KAUSLAYA JANARDHAN NAIBAL DIED AND OTHERS

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Mr. B. S. Kudale, Advocate for the Petitioners

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 21st JANUARY, 2026

P. C. :-

1. The present Writ Petition takes exception to the order dated 03.01.2026 passed below Exhibit 53 by District Judge-1, Majalgaon in Regular Civil Appeal No. 88 of 2014.

2. The Petitioners are original defendants in Regular Civil Suit No. 168 of 2004. The suit was decreed on 08.10.2014. The Petitioners preferred Regular Civil Appeal No. 88 of 2014 before District Judge, Majalgaon. They had filed an application seeking stay to the execution of decree. The learned District Judge was pleased to allow application and granted stay to the execution of decree, subject to certain conditions. The Petitioners have complied with first condition regarding furnishing of security for an amount of Rs. 5,00,000/-. However, there was one more condition to ensure necessary steps so that appeal can be made ready for final hearing within a period of

two months. Alleging breach of condition, Respondents filed an application below Exhibit 53 in appeal, seeking to vacate the interim relief. The learned District Judge observed breach of second condition and vacated stay order dated 12.06.2024, passed below Exhibit 5 in the appeal.

3. The learned Advocates appearing for respective parties would submit that now appeal is ready for hearing. The paper book has been submitted and both parties are anxious to proceed with final hearing of appeal at earliest.

4. In that view of matter, Writ Petition can be disposed of by following order:

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The order dated 12.06.2024 passed below Exhibit 5 in Regular Civil Appeal No. 88 of 2014, shall continue to remain in force till disposal of appeal.
- (iii) Both the parties shall co-operate for final hearing of appeal without seeking further adjournment.
- (iv) The learned District Judge shall hear parties and endeavour to finally decide appeal within two months from today.

(S. G. CHAPALGAONKAR, J.)

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