



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 WRIT PETITION NO. 3938 OF 2026

RAJESH PREMRAJ BATHIYA

VERSUS

AMBIKA TRADERS THROUGH ITS PROPRIETOR KUNAL VIJAY BHAGAT

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Mr. Nanabhau R. Thorat – Advocate for Petitioner

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 20.04.2026

PER COURT :

1. The present petition takes exception to Regular Execution Petition No.98 of 2025 pending before the Civil Judge, Senior Division, Ahmednagar.

2. Learned Counsel for petitioner submits that the decree has been obtained on the basis of a bogus agreement and is now sought to be executed. He submits that, though an appeal has been preferred, as of today, no stay has been granted to the decree by the Appellate Court.

3. In light of aforesaid facts, merely because notice in execution is issued to petitioner, cannot raise challenge to proceeding. It is for the petitioner to pursue appropriate remedy for grant of stay to the decree before the Appellate Court. This Court cannot go into the validity of the agreement at this stage, as the same has been adjudicated upon by the

Trial Court and pending consideration before Appellate Court. Keeping all contentions open, Writ Petition stands dismissed.

4. Pending Civil Applications, if any, also stand disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

Pooja Kale/