

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4735 OF 2026

Vandana Bhagwan Mhatre Through Her CA ..Petitioner
Bhagwan Mhatre

Versus

Sundar Kantappa Hegde (Decd) Though His ...Respondents
Legal Heirs, Sarita Sundar Hegde and Ors

Mr. Ketan Joshi, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 16th JUNE 2026

P.C.:

1. Heard the learned Counsel for the Petitioner
2. The Petitioner is the Decree Holder and has filed an execution proceeding being Darkhast No. 6 of 2022, before the executing Court.
3. In the meanwhile, the Judgment Debtor has filed an Appeal before the District Court against the decree which is put to execution by the Petitioner.
4. On 4th May 2022, the learned District Judge has stayed the execution of attachment warrant. The executing Court is not proceeding with the execution under the impression that the proceeding is stayed by the Appellate Court.

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5. It seems that the Appellant-Judgment Debtor has passed away on 16th September 2023, and the said fact was reported to appellate Court by the Advocate for the Appellant.
6. The grievance of the Petitioner is that the appellate Court has not passed any order on the Application preferred by the Petitioner on 11th June 2024, seeking an order that the Appeal stood abated.
7. Let the Appellate Court pass an order on the Application (Exhibit “62”) in RCA No. 6 of 2022, as expeditiously as possible and, preferably, within a period of one month from the communication of this order.
8. Petition disposed.

[N. J. JAMADAR, J.]