

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16362 OF 2025

Thakur Pribhdas Bhojwani & Ors. ...Petitioners.

Versus

Haresh Pribhdas Bhojwani & Anr. ...Respondents.

Mr. Hitesh Vyas a/w. Mr. Rasik Raut, Advocate for Petitioner.
Mr. Girish Agrawal a/w. Ms. Chitra Darekar, Mr. Shubham
Jangam, Advocate for Respondent No. 1.

CORAM: N. J. JAMADAR, J.

DATE : 24th MARCH 2026

P.C.:

1. Heard the learned Advocates for the parties.

2. The challenge in this Petition is to an order dated 17th October, 2025, whereby the learned District Judge has declined to stay the execution, operation and implementation of a decree passed by the Trial Court dated 8th May, 2025, whereunder the Petitioners have been ordered to hand over the vacant possession of the suit property to the Plaintiff/Respondent.

3. When the Petition was listed before this Court on 9th December, 2025, this Court was persuaded to grant an ad-interim relief in the nature of stay to the execution and operation of decree passed by the Trial Court dated 8th May, 2025 in RCS No. 270/2013, subject to the Petitioners furnishing security to the satisfaction of the Trial Court within a period of 3 weeks thereof.

4. An affidavit is filed on behalf of the Petitioners. It is affirmed that in pursuance to the order passed by this Court, the Petitioners have furnished an undertaking as directed by the Trial Court by order dated 19th December, 2025.

5. The Court is informed that Regular Civil Appeal No. 50 of 2025 is ripe for hearing. R & P has been received by the Appellate Court.

6. In these circumstances, as the decree is for possession and the Petitioners have already furnished the security to the satisfaction of the Trial Court, this Court, considers it expedient in the interest of justice that the interim order passed by this Court continues to operate till the appeal is decided by the District Court.

7. Thus, on the basis of the statements of the learned Advocates for the parties that the parties will render the necessary cooperation in the expeditious disposal of the appeal by the District Court, the Petition stands disposed with a request to the learned District Judge seized with Regular Civil Appeal No. 50 of 2025, to hear and decide the said appeal as expeditiously as possible, and, preferably, within a period of eight months from the date of communication of this order.

8. In the meanwhile, the interim relief granted by this Court in the nature of stay to the execution, operation and implementation of the decree passed by the Trial Court dated 8th May, 2025 in RCS No. 270/2013, shall continue to operate till the final disposal of the Appeal.

[N. J. JAMADAR, J.]