



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 771 OF 2026

Sukhdeo s/o Mahadeorao Shirbhate and Ors.

Vs.

Dnyaneshwar s/o Mahadeosa Shirbhate (dead) Thru. LRs

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Pawan P. Sarise, Advocate for petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 04.02.2026

Heard learned counsel for the petitioners.

2. Petitioners' challenge is to order dated 21.03.2025 passed by the District Judge-1, Amravati, by which the application filed by the appellant (respondents in this petition) in Regular Civil Appeal No.63/2023 is allowed and the effect and operation of the compromise decree passed by the trial Court in Special Civil Suit No.17/2013 is stayed during pendency of the said appeal.

3. Perusal of the impugned order shows that the Court has given due consideration to the contentions canvassed on behalf of appellant therein that the civil suit was disposed of in terms of the compromise and the consent decree was also drawn. The appellants contention

in the said appeal is that the compromise decree was drawn in their absence and therefore, they have raised a challenge to the compromise decree and prayed for stay to the effect and operation of the compromise decree.

4. After having considered all the relevant factual and legal aspects, the Court has ordered that the effect and operation of the compromise decree shall remain stayed during pendency of the appeal.

5. The petitioners are the respondents in the said appeal. Having regard to the fact that the main appeal is pending, I do not find any perversity with the order passed by the appellate Court directing stay to the compromise decree, which is passed after considering the grounds raised in the memorandum of appeal. As such, no interference is warranted in the impugned order. Writ petition is dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)