


MHKO160006452023 	<p style="text-align: center;"><u>Order below Exh.13 in</u> <u>Final Decree No.01/2023</u></p>
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1. Present application is filed by J.D. under Section 10 of C.P.C. for stay of present proceeding. It is submitted by J.D. that present proceeding is filed by D.H. for execution of decree under R.C.S.No.79/2022. However, J.D. has preferred an appeal along with application for condonation of delay before Hon'ble District Court, Kolhapur. Moreover, there is one civil suit for declaration and injunction bearing number R.C.S.No.91/2025 is pending. Both the suits are connected, therefore, prayed for stay of present proceeding.

2. D.H. filed say below the application and submitted that suit properties in R.C.S.No.79/2022 and R.C.S.No.91/2025 are different. The suit bearing number R.C.S.No. 91/2025 is for perpetual injunction having no concern with the suit properties. Therefore, present application is not maintainable and prayed for rejection of the same.

3. Heard learned advocates for both sides, perused the record.

4. It transpires that present execution application is filed for execution of partition decree passed in R.C.S.No. 79/2022. The applicant J.D. has not given details about suit properties involved in R.C.S.No. 91/2025. Moreover, there is no stay to the present proceeding by Hon'ble District Court, Kolhapur till today. Therefore, there appear no matter in issue directly or substantially in issue in

present proceeding. Resultantly, there appear no grounds to stay the proceeding. Therefore, the application deserves to be rejected. Accordingly, I pass following order -

ORDER

Application Exh.13 is hereby rejected.

Shahuwadi
Date : 10/02/2026

(P. B. Pawar)
Civil Judge, Jr. Division,
Malkapur-Shahuwadi.