

MHLA050000022018



**Order Below Exh.8 in Reg. Darkhast No.1/2018**  
**[ Goroba Vs. Maroti & Ors. ]**

The R.D. is filed for possession of the suit house. There is no appeal against the decree in R.C.S.No.130/2010. So it is prayed that, the Court Commissioner may be appointed to hand over the vacant possession of the suit house and it is also prayed that, the cost may be recovered.

2. Say is filed by J.D.Nos.1 and 2. According to them, the execution proceeding is out of limitation. J.D.No.2 had filed R.C.S.No.64/2011. It is decreed on 29/09/2014 by which the D.H. is directed to execute agreement in favour of J.D.No.2 of the suit house. The J.D. has prepared an appeal against the decree in R.C.S.No.130/2010. So it is prayed that, the application may be rejected.

3. J.D.No.2 has filed another application before the Hon'ble Bombay High Court about the suit property. So it is prayed that, the application may be rejected.

4. The learned Advocate for the D.H. is present. J.Ds. and their advocate are called out repeatedly. He submitted an application to adjourn the matter on the count of filing an appeal before the Hon'ble Bombay High Court against the decree in R.C.A.No.04/2021.

5. Heard Advocate Shri.Deshmukh for the D.H. The J.D.has not submitted any proof of filing of an appeal before the

Hon'ble High Court. There is no stay record submitted by him. So therefore the Superintendent of this Court to submit whether any appeal is preferred against the decree in R.C.A.No.4/2021 and to submit his report within 8 days or. The J.Ds. are also directed to submit the order of stay, if any, given by the Hon'ble Bombay High Court for execution of decree in R.C.S.No.130/2010 within next 8 days.

6. If J.Ds. Fail in submitting the record, further order shall be passed in the matter. J.Ds. To take note of the order.

Sd/-

( **S.N. Sarade** )

Date : 04/07/2024.

Civil Judge Sr. Div., Ahmedpur.