



Order Below Exh.22
(In R.C.A. No.653/2019)

1. This application is filed for ad-interim stay to Execution Petition No.02/2014. In present Appeal, Appellant has challenged judgment & decree dt.31/10/2013 wherein present Appellant is directed to handover possession of suit property.
2. Say of Respondent was called upon. Say is filed.
3. Heard Ld. Advocate Mr. Amit Chavan for the Appellant and Ld. Advocate Mr. Rajendra Kunte for the Respondent.
4. As per Ld. Advocate for Appellant, application at Exh.5 for stay is pending as hearing of Exh.8 was pending. In Execution Petition, Respondent has filed application for issuing possession warrant and if possession is taken then appeal will be infructuous. Mr. Chavan further submitted that he is ready to conduct the appeal expeditiously and till then execution of decree be stayed. Ld. Advocate for Respondent submitted that Appellant is in possession and decree is not satisfied. Appellant has not compensated to Respondent for using the suit premises.
5. Perused record. Points for determination along with my findings thereon are as follows:

Sr. No.	Points	Findings
1	Whether interim relief of stay to Execution Petition can granted in view of circumstance?	Yes



2	What Order?	Application is allowed

:- REASONS :-

AS TO POINT NO.1:-

6. Record shows that Respondent had filed suit for possession under the Maharashtra Rent Control Act, 1999. In that suit, written statement was not filed by present Appellant therefore, suit proceeded without Written Statement and thereafter decree is passed. As per Appellant, Ld. Advocate representing Appellant in Trial Court had informed that she will be called in the Court whenever required. As Advocate in Trial Court has not properly attended the suit, decree is passed against her.
7. Ld. Advocate for Appellant has placed on record notice dt.02/03/2024 addressed by Advocate Mr. Thali to Ld. Advocate for Appellant informing that if stay order has obtained then same be produced. In Regular Execution Petition No.02/2014 at Exh.16, present Respondent has filed application for possession warrant. These fact are sufficient to show that apprehension of Appellant about dispossessed during pendency of appeal is reasonable. As per Appellant she has merit in appeal. Execution Petition is pending and present Respondent is attempting to take possession as execution is not stayed.
8. Now summer vacations are going to start and in case before vacation any possession warrant is issued then Appellant may



suffer irreparable loss in case she has merit in the appeal.
Considering all these aspects, I pass following order.

:: ORDER ::

1. Application is allowed.
2. Execution of decree dt.31/10/2013 vide Regular Execution Petition No.02/2014 is stayed till further orders.

Panvel
Date: - 03/05/2024

(S. C. Shinde)
District Judge-3, Panvel
Dist.-Raigad