

CNR No. MHRT010000852026

Regular Civil Appeal No. 06/2026

Shri. Rohidas Harishchandra Surve

Appellant.

Vs.

Shri. Sachin Shankar Surve

Respondent.

Order below Exh.7

1. Perused the application and say filed by learned advocate Shri. S. S. Tharwal for respondent. Heard learned Advocate Shri. Y. P. Gurav and Shri. Tharwal. By this application, the appellant/defendant prayed to stay the execution and operation of decree in RCS. No.86/2022 dated 13/01/2026.

2. It is further submitted that the trial Court ordered and directed the defendants to remove the construction of house bearing no.331B within two months by their own expenses, otherwise the plaintiff is entitled to remove the same through process of the Court. He further submitted that the said order is dated 13/01/2026 and those two months will be completed on 13/03/2026 and the defendants may file execution proceeding and very purposes of filing of appeal would be frustrated. He further submitted that there is merit in his favour and he is having hope of success in this matter.

3. Learned Advocate Shri. Tharwal filed his say and submitted that

yet the plaintiff has not filed execution proceeding before the trial Court. The point involved in the present matter is very short which can be heard and decided within three months and if appellant give undertaking that he will argue the matter within short period, then the plaintiff will not file execution proceeding. However, he further submitted that there is no substance in the Stay Application filed by appellant.

4. Learned advocate Shri. Gurav filed his purshis at Exh.14 and thereby gave undertaking that the appellant is ready to argue the matter and assist the Court to dispose of the matter within three months. Further the parties involved in the present matter seems to be Senior Citizen. Therefore the mater can be heard and decided within three months.

5. Considering the aforesaid facts and circumstances, I am of opinion that the application is having substance. Hence, I proceed to pass following order.

ORDER

1. Stay application is allowed.
2. The execution and operation of decree in RCS. No.86/2022 dated 13/01/2026 is hereby stayed till decision of appeal.
3. Both the parties are directed to argue the matter on next date.

Date : 12.03.2026.

**(A. M. Ambalkar)
District Judge- 1, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Reg. Civil Appeal No.06/2026
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	12.03.2026
Order signed by the P.O. on	:-	12.03.2026
Order uploaded on	:-	13.03.2026