

Order below Exh.47 in FD 2/2019  
Madhukar Torane Vs Narayan Torane  
(CNR-MHSN08-001392-2019)

The application is by JD 9 Attubai Torane, to keep the proceedings in abeyance.

2 Heard, JD 9 Attubai in person and Ld. Adv for the DH.

3 On prima-facie, perusal of the documents, produced by JD 9 below Exh.48, it appears that JD 7 Vijay Torane has challenged the order passed by this Court below Exh.44 by way of a writ petition No.37219/2024 before Hon'ble the Bombay High Court.

4 The application has been filed by JD 9, who has not challenged the order below Exh.44 and who inter-alia, along with JD 7 has admitted the Court Commissioner report vide say below Exh.14. This Court has allowed possession warrant application on 03/12/2024 and listed the matter, the instant date. Till such time, the possession warrant was not delivered to the DH. The possession warrant, has been issued the instant date, and thereafter the instant application has been filed, subsequently, in the second session when the next date was already listed on 13/01/2025. On the last date, the status before Hon'ble the Bombay High Court, if any was not filed by the JDs or any of them. The writ petition appears to have been filed on 20/12/2024. In short, no petition was pending on the last date. It has been submitted that the stay has not been pressed for. In short, there is no stay.

5 If the facts are considered, from the angle, that the writ petition has been filed by JD 7 and not JD 9, the filing of the instant application on behalf of JD 7 or individual capacity of JD 9 cannot be considered. Further, already despite sufficient and reasonable opportunities, JD failed to intimate this Court, the status of the proceedings before

Hon'ble the Bombay High Court and its only subsequent to the issuance the possession warrant, this application has been filed. **In any case, the present applicant JD 9 has not been given any relief in the decree.**

6 The application is not bona-fide and made with intent to delay the proceedings. Hence, the following

Order

The application stands filed.

Jath

Date:23/12/2024

(Sanjay P.Bunde)

Jt.C.J.J.D, Jath