

MHSO130000472025



R.D. No.03/2025
Charushila Vs. Vitthal

ORDER BELOW EXHIBIT-18

01. This is an application filed by the Judgment Debtor for stay of the execution of the present matter.

02. Read the application. Perused say of the Decree Holder. Heard Ld. Advocate for both sides.

03. It is the contention of the Judgment Debtor that he has filed Appeal/Revision bearing CRA/1602/2026 before the Hon'ble Bombay High Court. Judgment Debtor has faith about success in that appeal/revision pending before the the Hon'ble Bombay High Court, therefore, he prayed for stay of the execution of the decree.

04. Learned Advocate of the Decree Holder filed his say below the application and contended that this Court cannot stay the execution unless Judgment Debtor obtain stay order from the Hon'ble High Court. The Judgment Debtor has not complied the decree regarding monthly payment of Rs.4,000/- till today. Hence, he is not entitled for stay order. The Decree Holder is senior citizen, hence, prayed for passing order at Exh.12 and Exh.13.

05. Perused the record before me. Heard both sides. The present execution proceeding is filed for recovery of vacant

possession of the suit premises. It appears that specific directions has been given to the Judgment Debtor to hand over the vacant possession of the suit premises within two months from the date of order and judgment. It also appears that the Judgment Debtor has filed RCA No.113/2024 before the Hon'ble District Judge, Barshi and same was dismissed. As per the contention of the Judgment Debtor, aggrieved by this order, he has filed the Appeal before Hon'ble High Court. However, after perusal of record, it appears that no stay order has been granted by the Hon'ble High Court regarding the present proceeding for stay of the execution of the decree. The Decree Holder is awaiting for testing fruits of the decree since the judgment and order of the original suit. As per the directions of the Hon'ble Apex Court time to time, the execution proceeding have been disposed of expedite, moreover, the important aspect is that the matter is not stayed by any higher court. Considering the fact and age of the Decree Holder, the application deserves to be rejected and proceed to pass following order;

ORDER

The application (Exh.18) is rejected.

Barshi.
Date : 04/03/2026.

(Smt. P.V. Raut)
Jt. Civil Judge (J.D.), Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order

(a)	Name of the Stenographer	:	Shri.S.R. Barangule
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order declared on	:	04/03/2026
(d)	Judgment /Order checked on	:	04/03/2026
(e)	Judgment /Order signed by P.O. on	:	05/03/2026
(f)	Judgment /Order uploaded on	:	05/03/2026