

**ORDER BELOW EXH.17 IN REG. CIVIL APPEAL NO.06 OF 2024**  
(Turabsha alias Dadasha Lalsha Fakir Inamdar vs. Habibsha Lalsha Fakir Inamdar & anr.)

01. Heard Ld. Adv.Shri. S.G.Mulani for appellant and Ld. Adv. Shri.S.I. Shikalgar for the respondents. Perused application, say, written notes of argument and the record.

02. Appellant filed this application to stay the execution of the decree passed in R.C.S.No.183/2001 dtd.27/11/2023 alleging that said judgment and decree is without jurisdiction. He has already filed application below Exh.5, but as it will take time to decide that application, till then he prayed that execution of said decree be stayed.

03. Respondent filed say to this application below Exh.18 and denied the contention of the application alleging that the decree in question is in the form of declaratory decree, it is legal and proper. He has already filed the say to Exh.5. This application is similar to that application, so it be dismissed.

04. Admittedly, parties to the suit are Muslim by religion and properties in dispute are Wakf properties. Therefore, considering the dispute regarding the jurisdiction of the Civil Court and the capacity of the executor to make the Will and as already application below Exh.5 is allowed, the purpose of this application is served. By order below Exh.5, the effect of the judgment and decree passed in R.C.S.No.183/2001 dtd. 27/11/2023 is stayed, till the decision of this appeal.

05. Hence, following order is passed.

**ORDER**

	Application is filed with no order as to costs.
	Pronounced in open Court.

**Place : Satara.  
Dt.13.01.2025.**

**Kamala V. Bora  
District Judge-2, Satara**