



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2159 OF 2015**

Mapro Construction Pvt. Ltd.

Through Its Directors. ... Petitioner

Vs.

Namdeo Swar Patil and Ors. ... Respondents

Mr. Ajay Subhash Patil for the petitioner.

Mr. Raju D. Suryavanshi for respondent nos. 6.1 to 6.5.

CORAM : GAURI GODSE, J.

DATE : 25th MARCH 2026

ORDER :

1. Learned counsel for the heirs and legal representatives of deceased respondent no.6 submits that respondent nos. 5.4 and 5.5 have filed the first appeal in the district court in the year 2024 alongwith the application for the condonation of delay. He submits that in the said application, the district court has granted stay to the execution of the decree till further orders. Order dated 17th February 2026 is tendered and is taken on record.

2. The order impugned in this writ petition is passed by the executing court framing issues in an application filed by

deceased respondent no.6 under Section 47 of the Civil Procedure Code, 1908 (“CPC”). The heirs and legal representatives of respondent no.6 have not challenged the decree for specific performance in favour of the petitioner. This court vide order dated 28th July 2016 issued a notice to respondent no.6, as the impugned order is passed on an application filed by respondent no.6.

3. The writ petition needs to be decided finally at the admission stage.

4. Learned counsel appearing for the heirs and legal representatives of deceased respondent no.6 waives notice for final disposal of the writ petition.

5. When the decree under execution is challenged only by respondent nos. 5.4 and 5.5 there would not be any question of staying the decree against all the judgment debtors. Learned counsel for the petitioner, therefore, seeks liberty to apply before the district court for vacating the order of stay, so far as the remaining judgment debtors are concerned.

6. The petitioner is at liberty to make an appropriate application in Miscellaneous Application no. 17 of 2024

seeking vacation of the ex-parte order of stay to the decree under execution.

7. If such an application is filed, the concerned district court is bound to decide the same in accordance with law and taking into consideration the pendency of this writ petition and the orders passed in the present writ petition.

8. List the writ petition for final disposal at the admission stage on 23rd April 2026.

[GAURI GODSE, J.]