



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2977 OF 2025**

Social And Cultural Association Kusumba Through Its President And  
Another

**VERSUS**

Chandrakant Mahadu Choudhari And Others

Mr. V. D. Hon, Senior Advocate h/f Mr. A. V. Hon, Advocate for Petitioners

**CORAM : R. M. JOSHI, J.**

**DATE : 03<sup>rd</sup> March, 2025**

**PER COURT :-**

1. Learned senior counsel appearing on behalf of petitioners submits that the order passed by the Trial Court with regard to the mutation entry bearing No. 3042 has already been implemented and Mutation Entry No. 8739 is recorded in favour of respondents. It is his contention that the clause No. 2 of the order dated 29.01.2025 passed by the First Appellate court in Regular Civil Appeal No. 96/2024 needs to be stayed till the respondents are heard in the matter.

2. Perusal of the record framed indicates that the suit bearing No. 445/2012 came to be decreed on 05.08.2024 whereby Mutation Entry No. 3042 is declared as null and void. Subsequent to the filing of the Regular Civil Appeal bearing No. 96/2024, the First Appellate Court by order dated 29.01.2025 and in Clause No. 2, operation and execution

of judgment and decree is stayed till dismissal of the appeal to the extent of challenge in Mutation Entry No. 3042 is null and void. Documents filed along with petition indicates that the order passed by the Trial Court in Regular Civil Appeal No. 445/2012 is already implemented. As such case is made out by the petitioner for stay to Clause No. 2 of operative part of the order dated 29.01.2025 till the next date of hearing.

3. Hence, issue notice to the respondents returnable on 17.04.2025.

4. There shall be stay to Clause No. 2 of the operative part of the impugned order till the next date of hearing.

**(R. M. JOSHI, J.)**

bsj