

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7671 OF 2015**

Maruti Bhau Yevale

..Petitioner

Vs.

Vilas Yashwant Kanvar & ors

..Respondents

Mr. T. S.Ingale for the Petitioner

Mr. Bhushan Walimbe for the Respondent Nos.1 to 5

CORAM : R. M. SAVANT, J.

DATE : 15th OCTOBER, 2015

P.C.

1 The order dated 20-6-2015 passed by the Learned District Judge-1 Islampur, rejecting the application Exhibit 39 filed by the Petitioner i.e. the Respondent in Regular Civil Appeal No.68 of 2013 is taken exception to by way of the above Petition.

2 The foundation for the said order is the order dated 6-4-2015 passed in application Exhibit 5 in Regular Civil Appeal No.68 of 2013. The said order was passed on the basis of the consent of the parties who had agreed to the operation of the order dated 2-7-2013 passed earlier in the Appeal to operate pending the Appeal.

3 The Learned Counsel for the Petitioner seeks to dispute the contents of the agreement between the parties as a result of which the order

dated 6-4-2015 came to be passed. It is not for this Court to delve into the said aspect as this Court would go only by the record and the record indicates that the said order has been passed by the consent of the parties. If the Petitioner has any grievance in respect of the recording made in the said order dated 6-4-2015 which is the basis of the impugned order. It is for the Petitioner to file an appropriate application before the Lower Appellate Court in respect of the said order dated 6-4-2015. Needless to state that if any such application is filed, the Lower Appellate Court would consider the same on its own merits and in accordance with law.

4 With the aforesaid observations, the Writ Petition is dismissed.

[R.M.SAVANT, J]