

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.1226/2015
IN
SECOND APPEAL NO.834/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. K. V. Saste for the Applicant
Mr. Satyajit Dighe i/b. V. A. Shastri for the Respondent.

CORAM : K. K. TATED, J.
DATE : AUGUST 20, 2015

P.C.:

1. Heard.

Leave to amend.

2. This Application is preferred by the Defendant Nos.1 and 2 for vacating the interim order passed by this court on 16/12/2014 in Civil Application No.1512/2014 and to allow the Applicant to sell the suit property.

3. It is to be noted that the order dated 16/12/2014 was passed after hearing both sides. The Second Appeal is already admitted. If stay is vacated, nothing will survive in the Second Appeal. Hence, prayer clauses (b) and (c) as prayed by the Applicant cannot be considered at this stage.

4. The learned counsel for the Applicant also prayed for early hearing of the Second Appeal on the ground that the Applicant is a senior citizen of 82 years.

5. Considering these facts, following order is passed:

a. Prayer clauses (b) and (c) of the Civil Application stand rejected.

b. Hearing of the Second Appeal No.834/2012 is expedited.

c. Office is directed to place the Second Appeal for hearing, if it is ready, in the list of matters pertaining to senior citizen, as per its turn.

d. Civil Application stands disposed off accordingly.

JUDGE