

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7491 OF 2015

M/s. A. J. Organic Pvt. Ltd.

.. Petitioner

Versus

Ameya Enterprises

.. Respondent

Mr. J. G. Reddy, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 07th SEPTEMBER, 2015

PC.

1. The order dated 06.05.2015 passed by the In charge Adhoc District Judge-5, Pune, rejecting the application for stay pending the Appeal is taken exception to by way of the above Petition. The said application is rejected on the ground that unless the delay in filing the Appeal is condoned, the said application cannot be considered. It appears that both the applications i.e. application for condonation of delay in filing the Appeal in the Lower Appellate Court as well as the application for stay of the decree pending the Appeal was filed on the same day i.e. on 20.04.2015. The Learned Counsel for the Petitioner Mr. J. G. Reddy states that the pleadings are complete in the sense that the reply to the application for condonation of delay has already filed. The Learned Counsel for the Petitioner is not in a position to make any statement as to

whether the Petitioner/original Appellant is ready to deposit the decretal amount. In view thereof, the only direction that can be issued is to direct the Lower Appellate Court to decide the application filed by the Petitioner for condonation of delay latest by 30.11.2015. With the aforesaid direction, the Writ Petition is disposed of.

[R.M. SAVANT, J]

Certified to be true and correct copy of the original signed order.