

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9154 OF 2014**

Nitin Zaverchand Maru & Ors.

..Petitioners

Vs.

Sitaram Ganpat Wade & Ors.

..Respondents

Mr. Sachin Dhakephalkar for the Petitioners

Mr. R. D. S. Bhandari for the Respondent Nos.1 to 10

CORAM : R. M. SAVANT, J.

DATE : 14th SEPTEMBER, 2015

P.C.

1 The application Exhibit 20 filed by the Defendant Nos.2 to 7 in Regular Civil Suit No.1355 of 2013 which was allowed by the Trial Court i.e. the Learned Civil Judge Junior Division, Bhiwandi, by order dated 9-7-2014 is taken exception to by way of the above Petition. Whilst allowing the application, the Trial Court in the operative part has issued the following directions :

(1) This application (Exh.20) stands allowed.

(2) The present suit be stayed till the decision of the said appeal / revision regarding the earlier suit.

2 The Learned Counsel Mr. Dhakephalkar appearing for the Petitioners i.e. the Plaintiff in Regular Civil Suit No.1355 of 2013 points out to this Court that the said Appeal filed by the Defendant Nos.2 to 7 i.e.

Respondent Nos.2 to 7 herein has been dismissed by the Lower Appellate Court i.e. the Learned District Judge – 7, Thane by order dated 10-4-2015. Since the stay granted by the impugned order was to operate only till the decision was rendered in the said Appeal filed in the earlier Suit, since the decision is now rendered, the said stay would become inoperative. The Petitioners would therefore be at liberty to make an application to the Trial Court to proceed with the Suit in question. With the aforesaid observations, the Writ Petition is disposed of.

[R.M.SAVANT, J]

CERTIFICATE

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