

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3152 OF 2015
IN
WRIT PETITION NO.9275 OF 2015**

Abdul Reza Q. Nezhd

..Applicant

Vs.

Reza A. L. Saboonchi & Ors.

..Respondents

Mr. Girish Utangale i/b Mr. A. K. N. Mulla for the Applicant

Mr. M. L. Palan i/b Ms J.P.Thakkar for the Respondent Nos.1 to 3

CORAM : R. M. SAVANT, J.

DATE : 11th DECEMBER, 2015

P.C.

1 The above Civil Application has been filed seeking extension of the stay of the execution of the eviction decree passed against the Applicant. The above Writ Petition filed by the Petitioner came to be dismissed by a Learned Single Judge of this Court by order dated 10-9-2015. However, the execution of the eviction decree was stayed for a period of 8 weeks. It is averred in paragraph 3 of the above Civil Application that the Applicant / Petitioner has filed an SLP in the Apex Court bearing diary No.38095/2015 on 16-11-2015. The Learned Counsel for the Petitioner states that the said SLP is likely to come up for admission before the ensuing Christmas Vacation. The Learned Counsel appearing on behalf of the Respondent i.e. the decree holder Mr. Palan objects to the extension being granted. It was the submission of the Learned

Counsel that though the order was passed on 10-9-2015 dismissing the Writ Petition. The SLP has been filed only on 16-11-2015 and therefore the extension of the stay may not be granted.

2 In my view, having regard to the fact that the stay of 8 weeks was already granted by a Learned Single Judge who had dismissed the above Writ Petition and since the Applicant / Petitioner has already filed the SLP in the Apex Court, it would be just and proper to extend the stay by a period of 4 weeks from date.

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]