

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAW) NO.2435 OF 2014
IN
WRIT PETITION NO.4366 OF 2014

Jagannath Biharilal Mahule (Deceased) Thr. LRs. Vimal Ramratan Mahule & Ors.

-vs-

Ramratan s/o Ramcharan Mahule (Deceased) Thr. LRs. Pradip Jagannath Mahule & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. R. Deshpande, Advocate for petitioners.

CORAM : A.S.CHANDURKAR, J.
DATE : JUNE 24, 2015

Civil Application is allowed in terms of prayer clause.
Amendment be carried out forthwith. C.A. is disposed of.

Writ Petition No.4366 of 2014

The petitioners are the decree-holders who are aggrieved by the order dated 04/03/2014 passed below Exhibit-5 by the Appellate Court while staying the decree for possession. By said order, the execution of the decree as passed has been stayed subject to the appellant furnishing security for an amount of Rs.10,00,000/- before the Trial Court within one month of the order.

Considering the directions issued by the Appellate Court while granting stay, it cannot be said that interests of the decree-holder have not been protected. Subject to observing that the security if furnished by the appellant before the Appellate Court shall be kept alive till disposal of the appeal, there is no reason to interfere with the impugned order. However, hearing of R.C.A.No.91 of 2013 is expedited and

the Appellate Court is directed to decide said appeal by the end of December 2015.

Writ Petition is disposed of in aforesaid terms with no order as to costs.

JUDGE