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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2569 OF 2016

Sandip Nanka Kharat
Age - 44 years, Occ - Service
R/o Plot No.44, Vivekanand Nagar,
Near Ramanand Naka, Jalgaon,
Taluka and District - Jalgaon

PETITIONER

VERSUS

Ushabai Waman Pawar
Age - 68 years, Occ - Agriculture
Through its General Power of Attorney
Jitendra Waman Pawar,
Age - 31 years, Occ - Agriculture
R/o Kingaon, Taluka - Yawal,
District - Jalgaon

RESPONDENTS

.....
Mr. Vijay B. Patil, Advocate for the petitioner
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th MARCH, 2016

ORDER :

1. Heard learned advocate for the petitioner extensively. He vehemently urges to grant indulgence in the present matter having regard to nature of decree passed and further that the petitioner had also deposited the amount, as directed under the decree. He further fairly points out to that the appellate court, under an application for interim relief, has conditionally stayed

operation of the decree.

2. It is not the case that conditions, as have been referred to under the impugned order have not been complied with by present respondent. Having regard to that the matter is pending in regular civil appeal and the decree impugned is under challenge, the order for interim relief is passed exercising discretion by the appellate court and it is a case, wherein the discretion does not appear to have been exercised without application of mind or for that matter without following the principles of law, I am not inclined to interfere with the impugned order.

3. Writ petition, as such, stands rejected. However, learned advocate for the petitioner requests that the regular civil appeal may kindly be expedited. In case Regular Civil Appeal No.154 of 2014 pending in District court Jalgaon is ready for final hearing in all respects, the same may be taken up for disposal expeditiously and may be disposed of, preferably within a period of six months. Writ petition stands disposed of accordingly.

[SUNIL P. DESHMUKH, J.]