

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 CIVIL APPLICATION NO.11337/2014 IN WRIT
PETITION NO. 9284 OF 2014

M/S SAIBABA AUTOMOBILES, NANDED
VERSUS
PRAKASH MEGHRAJ MALPANI

Shri. Milind M. Patil (Beedkar), Advocate, for applicant.

Shri. P.S. Agrawal, Advocate, for respondent.

CORAM: T.V. NALWADE, J.

DATE : 27 SEPTEMBER 2016

ORDER:

1) Civil Application No 11337/2014 is filed for revocation of the order made by this Court, other Hon'ble Judge, on 28-10-2014 by which the petitioner was asked to deposit Rs. One lakh in this Court and this was a condition precedent for getting the stay order for protection of the possession of the petitioner. In the application prayer is made to recall that order by contending that in the past some amounts were deposited and these amounts need to be considered. Time till 21-11-2014 was given to deposit the amount and the decree of eviction was given in the

suit filed in the year 2006. Thus, for about 10 years the tenant is playing tactics and he is not even complying with the orders of the Court and he is protracting the things. This Court has not made order to hand over the amount to the landlord. But the tenant has avoided to deposit the amount. In view of these circumstances, the civil application stands rejected. It is to be presumed that there is no stay of any kind to the execution of the decree given in favour of the landlord.

2) Learned counsel submitted that he wants to convert the present proceeding to the one like Civil Revision Application. It was submitted that the present petition filed is within time fixed for filing revision. In view of this, permission is granted to convert the present proceeding to civil revision application. Place before the regular Court.

Sd/-
(T.V. NALAWADE, J.)

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