

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

*CIVIL APPLICATION NO. 74 OF 2016
in
CIVIL REVISION APPLICATION NO. 242 OF 2010*

Mrs.Manisha Vasant Bapat.

.. Applicant

Vs.

Shri Milind Jaywant Navalkar & anr.

.. Respondents

Mr.S.S.Kanetkar, for the Applicant.

Mr.Mayuresh Kulkarni i/b Mr.Ketan Chothani, for Respondent No.1.

*CORAM : N.M.Jamdar, J.
Tuesday, 16 August 2016.*

P.C. :

By this Application, the Applicant seeks stay of further proceedings and hearing of Regular Civil Suit No.2616 of 2012. At the time of admission of this Revision on 4 August 2011, the learned Single Judge passed the following order -

'1. Rule.

2. In my view, it would not be appropriate to grant any interim relief of stay of the suit. Interest of the petitioner would be sufficiently protected by directing that the decision of the suit, if adverse to the petitioner shall not be implemented for a period of four weeks'.

2. The learned counsel for the Applicant submitted that in view

of change of any circumstance this Court need not be bound by the order passed on 4 August 2011. The submission cannot be accepted. The learned Single Judge has clearly opined that during the pendency of this Revision, the interest of the Applicant can be protected by directing that the decision of the suit if it is adverse to the Applicant be not implemented for a period of four weeks. Therefore, if the Respondents succeed in the suit and the Revision is allowed, it is the Respondents who would be taking risk of proceeding with the suit. Even otherwise, the Revision Application is filed in the year 2010 and is pending since then.

3. In the circumstances in view of the clear view expressed as regards the interim arrangement by the learned Single Judge, in the order dated 4 August 2011, the Civil Application for interim relief cannot be considered and is accordingly rejected. Place the Revision Application on board for hearing as per its turn.

(N.M.Jamdar, J.)