

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

**CIVIL APPLICATION NO.98 OF 2015
IN
FAMILY COURT APPEAL NO.53 OF 2015**

Prasad Bhalchandra Teni .. Applicant

V/s.

Kshitija Prasad Teni .. Respondent

.....

None for the Applicant.

Mr. V. A. Gangal i/b. Mr. Ashok T. Gade, Advocate for the Respondent.

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CORAM : A.S. OKA AND P.D. NAIK, JJ.

DATED : APRIL 6, 2016.

P.C.

None appears for the applicant.

2 The first prayer in this application is for stay of execution and operation of decree of divorce. The second prayer is for setting aside the execution proceedings. Order setting aside the execution proceedings cannot be passed in this Civil Application. If the applicant is aggrieved by any order passed in the execution proceedings, the applicant will have to adopt appropriate remedy in accordance with law. However, the

execution and operation of the decree of divorce will have to be stayed till the final disposal of the Appeal.

3 Accordingly, we dispose of the application by passing the following order:

:: ORDER ::

- (i) Prayer clause (a) is rejected. However, liberty is granted to the applicant to adopt appropriate remedy;
- (ii) There shall be stay of execution and operation of decree of divorce till the final disposal of the Appeal.

(P.D. NAIK, J.)

(A.S. OKA, J.)