

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

CIVIL APPLICATION (CAS) NO.57 OF 2016
IN
SECOND APPEAL NO.463 OF 2012

Deorao s/o Paikaji Nande and ors.

-vs-

Styanarayan Swaroopnarayan Khandelwal

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

Court's or Judge's Orders.

Shri A. A. De, Advocate for appellants.

Shri S. Bhattad, Advocate for applicant/respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : April 15, 2016

The respondent has filed the present application praying for vacating the interim stay granted on 18/02/2015.

In the application it is stated that though the execution of the decree for possession was stayed by order dated 18/02/2015 on the condition that monetary part of the decree was required to be complied, the appellants have complied with said decree only to the extent of depositing the decretal amount till 13/08/2012. It is therefore prayed that as the conditions on which the interim stay was granted have not been complied with, the stay deserves to be vacated.

On behalf of the appellants it is submitted that the amounts as sought in the execution proceedings have been deposited on 11/12/2014 and 12/12/2014. It is submitted that as the entire amount as prayed in the execution proceedings have been deposited, the stay does not deserve to be vacated.

The fact that the monetary part of the decree stands complied with till 13/08/2012 is not in dispute. According to the respondent the appellants were required to deposit the amounts till 18/02/2015 as on said date the interim stay was granted.

Shri A. De, the learned counsel for the appellants submits that within a period of ten days from today, the appellants would deposit an amount of Rs.9200/- before the executing Court. Statement is accepted.

If the appellants deposit the aforesaid amount with the executing Court within a period of ten days, the order of stay dated 18/02/2015 shall continue to operate till pendency of the appeal.

Civil application is disposed of.

JUDGE