

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4877 OF 2017
(Balasaheb Irappa Chavan and others Vs. Sarubai Gangadhar
Dhumal and others)

Mr.S.J.Salunke, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/08/2017

PER COURT :

1. The petitioners are aggrieved by the impugned order dated 05/12/2016 by which the Appellate Court has stayed the decree on the following conditions :

"[a] The appellants shall deposit Rs.2,000/- per month towards compensation from the date of decree onwards, within one month.

[b] Appellants shall continue to deposit the aforesaid compensation amount in every month on or before 10th day of month during pendency of appeal.

[c] If the appellants fails to deposit the above said amount within granted time, for three consecutive months, the stay shall automatically stands vacated."

2. Mr.Salunke, learned Advocate for the petitioners, who are judgment debtors, submits that the direction to pay Rs.2,000/- per month till the decision in the appeal is a perverse order and is likely

to cause gross injustice to the petitioners. He strenuously criticized the impugned order and submits that because of the drought like situation, the father and his two sons, who are judgment debtors, are unable to pay the said amount.

3. After considering the submissions of the petitioners and upon perusing the petition paper book, I do not find that the impugned order could be termed as being perverse or erroneous, much less likely to cause grave injustice to the petitioners.

4. Considering the above, this petition being devoid of merit, is therefore, dismissed. The petitioners are, however, at liberty to request the learned Appellate Court for an expeditious hearing in RCA No.198/2015.

(Ravindra V.Ghuge, J.)