

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

**CIVIL APPLICATION NO. 581 OF 2015
IN
FIRST APPEAL NO. 1694 OF 2013**

Sanjeev Madhav Joshi ... Applicant
(Orig. Respondent No.1 /
Plaintiff)

In the matter between

Archana Harishchandra Patekar ... Appellant
(Orig. Defendant No.4)

Versus

Sanjeev Madhav Joshi
and others ... Respondents

.....

Mr. Suhas Deokar for Applicant.

Mr. Mohit Jadhav for Respondent/Original Appellant.

.....

CORAM : S.C.GUPTE, J.

DATE : 11 APRIL 2017

P.C. :

1. Civil Application No.581 of 2015 is for vacating the stay granted in favour of Respondent Nos. 2 to 5 herein. Applicant seeks action against Respondent Nos.2 to 5 for non-compliance with the interim order passed by this Court on 23 November 2011 on Civil Application No.3963 of 2011 and stay granted by this Court to be vacated or lifted. It is an

admitted position that, in pursuance of the interim order passed by this Court, the Appellant (Respondent No.1 to the present Civil Application) has filed an undertaking before this Court. If that be so, the interim order granted in her favour cannot be vacated on the ground that Respondent Nos.2 to 5 herein (also Respondent Nos.2 to 5 to the First Appeal) have failed to furnish an undertaking. The Applicant (Original Respondent No.1 to the First Appeal) will be at liberty to adopt such steps against Respondent Nos. 2 to 5, as he may be advised, but there is no question of vacating the stay granted in favour of the Appellant herein for the action of Respondents Nos.2 to 5.

2. The Civil Application is, accordingly, dismissed.

(S.C.GUPTE,J)