

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

WRIT PETITION NO.6579 OF 2016

**Malegaon Welfare Trust
Through its trustees & secretary**

Dr.Faizee Saeed Ahmed and ors. : Petitioners.

versus

Rajendra Kisanrao Genda(Patil) : Respondent.

Mr. N R Bubna for the Petitioners.

CORAM : R. M. SAVANT, J.

DATE : 26th APRIL 2017

P.C.

1 It is not necessary for this Court to interfere with the impugned order dated 15/02/2016 by which the stay pending the Appeal filed in the Lower Appellate Court has been granted on the certain conditions mentioned in the said order.

2 Since it is the case of the Petitioners ie. the original Respondents in the Appeal before the Lower Appellate Court that the Lower Appellate Court has not considered the Petitioners' contention that the Appellant ought to have been directed to pay the entire arrears of rent from 2009 up to the date of the impugned order, it would be for the Petitioners to file an appropriate application before the Lower Appellate Court by giving prior notice to the other side. If any such application is filed, needless to state that the Lower Appellate

Court would consider the same on its own merits and in accordance with law. Further needless to state that the fact that this Court has not interfered with the impugned order would not influence the Lower Appellate Court whilst deciding the said application. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]