

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

WRIT PETITION NO.11090 OF 2017

Udyavara R. Acharya & Anr.	..Petitioners
V/s.	
Mr.Jugal Kishore Sharda	..Respondent

Mr.R.M. Nakhawa i/by Mr.Vasant Dhawan for the Petitioners
Mr.Jugal Kishore Sharda-Respondent present in person.

CORAM : M. S. SONAK, J.
DATE : 06th OCTOBER 2017

P.C.

1. Heard Mr.Nakhawa with Mr.Vasant Dhawan for the petitioners and Mr.Jugal Kishore Sharda-respondent who is present in person.

2. Although, in this instance, Mr.Jugal K. Sharda was heard in person, though it is made clear that Mr.Sharda should not treat in this occasion as precedent. In case, he desires to appear in person he will have to obtain permission from the committee in the first instance.

3. The challenge in this petition is to the impugned order dated 05.05.2016, by which, the Appellate Bench, has merely

granted, the respondent interim relief subject to certain conditions.

4. Mr.Nakhawa submits that effect of the conditions is to the modification of mense profits determined by this Court as also the Executing Court. At this stage, it is not necessary to go into this issue, because the Appellate Court has merely granted interim relief subject to certain conditions. The impugned order is not a final order and therefore, it is not necessary to entertain the present petition.

5. Mr.Nakhawa further submits that the respondent has failed to make deposits even in terms of the impugned order. If this be so, it is open to the petitioner to point out the breach of the condition subject to which a stay was granted. If, such breach is indeed found, there is no doubt, the Appellate Court will make the necessary orders vacating the stay granted by the impugned order dated 05.05.2017. However, at this stage, this Court cannot go into this issue of breach or otherwise.

6. In the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)