

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2207 OF 2018
(Annasaheb s/o Balasaheb Hipparkar Vs. Haridas s/o Goroba Pawar)

Mr.G.N.Kulkarni (Mardikar), Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/02/2018

PER COURT :

1. The petitioner/deGREE holder is aggrieved by the interim order dated 31/01/2018 passed by the Appellate Court in Reg.Civil Appeal No.5/2018, by which the judgment and decree of the Trial Court dated 02/02/2016, has been stayed on 31/01/2018 by directing the judgment debtor to furnish a security of Rs.15,000/-.

2. Grievance of the petitioner/deGREE holder is that he had preferred Spl.C.S.No.74/2014 for specific performance and after paying Rs.5,00,000/- and then depositing Rs.2,00,000/- as full consideration for purchasing the suit land, the Appellate Court has directed the judgment debtor to furnish a security of a meager amount ignoring the fact that the entire amount is paid by the petitioner and the suit property is still enjoyed by the judgment debtor.

3. After considering the strenuous submissions of the learned Advocate for the petitioner, I find that it would be appropriate to expedite the appeal pending before the Appellate Court.

4. As such, this petition is disposed of by directing the Appellate Court to decide RCS No.5/2018 as expeditiously as possible and preferably on or before 31/08/2018. The Trial Court would refuse adjournments to the appellant if they are sought on frivolous or trivial grounds.

(RAVINDRA V. GHUGE, J.)