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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**APPEAL FROM ORDER NO.44/2017  
WITH  
CIVIL APPLICATION NO.11855/2017**

Anil Raghunath Chaudhari.  
...Appellant..

**Versus**

Baliram Ramji Chaudhari & others.  
...Respondents...

.....  
Shri R.P. Dhase, Advocate for appellant.  
Shri A.A. Kokal, Advocate for respondent nos.3 to 5.  
.....

**CORAM: M.S. SONAK, J.**

**DATE: 06.02.2018**

**ORDER :**

- 1] Heard learned counsel appearing for the parties.
- 2] This is an appeal against order dated 1.8.2017,  
the operative portion of which reads as under:-

"i] Application Exhs.5 & 28 are allowed.  
ii] The judgment and decree dated 14.07.2014  
passed by learned 6<sup>th</sup> Jt.C.J.J.D., Jalgaon, in  
Reg.C.S.No.153/2006 is stayed subject to  
following conditions:

- a] The appellant and respondent No.6 and 7  
shall not create third party interest or change

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the nature of the suit property.

b] The appellant shall deposit the cost of the suit before the trial Court within a period of 30 days from today.

c] Inform the trial Court accordingly to report the compliance."

3] The aforesaid order means that the appellate Court has granted stay to the judgment and decree dated 14.7.2014 in Regular Civil Suit No.153/2006, which in fact appealed before it, which stay is to operate during the pendency of the appeal. The decree appealed had in fact required the appellant to handover the possession of the suit property in favour of the decree holder. The appellate Court has also put the appellant before it to terms i.e. the appellant before it has been directed not to create third party interest or change the nature of the suit and also to deposit the costs of the suit before the trial Court within a period of 30 days. The appellate Court has also stated the reasons for making the impugned order. In fact, the order is a routine order, which is made during the pendency of the appeal and the appellate Court has also stated the reasons for making the said order. Accordingly, there is no case

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made out to interfere with the impugned order.

4]           However, the request made by the appellant before this Court for expedition of the appeal before the appellate Court is also reasonable, taking into consideration the circumstance that the appeal is of the year 2014. Accordingly, the appellate Court is directed to dispose of the Regular Civil Appeal No.153/2014 as expeditiously as possible and in any case within a period of six months from the date of production of authenticated copy of this order.

5]           The parties to appear before the appellate Court on 20.2.2018 and produce authenticated copy of this order.

6]           The appeal is disposed of with the aforesaid directions. There shall be no order as to costs. Civil Application No.11855/2017 does not survive and the same is also disposed of.

**(M.S. SONAK, J.)**