

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Revision Application No. 170 of 2017
[Subhash Natthuji Peshane Vs. Sunilkumar Ramlal Chachada]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. P. K. Mishra, Adv., for the applicant.
Mr. R. M. Sharma, Adv., for non-applicant.

- - - -
CORAM : A. S. CHANDURKAR, J.

DATE : 05th June, 2018

In this Civil Revision Application, the order passed by the appellate Court below Exh.9 imposing conditions towards grant of stay to the execution of the decree for possession is under challenge. By the impugned order, the applicant who is the tenant was directed to deposit a sum of Rs. 17,271/- per month in lieu of compensation as a condition for staying the decree for eviction.

This Court while admitting the Revision Application directed the applicant to comply with the impugned order to the extent of fifty per cent of the amount mentioned therein. It is submitted by the learned counsel for the applicant that if the appeal is directed to be decided expeditiously, the rights of the parties could be finally adjudicated.

The learned counsel for the non-applicant submits that the order passed by the appellate Court

does not warrant interference. The applicant has not complied with the conditions imposed while passing the interim order. He submits that the stay as granted has, thus, ceased to operate.

Considering the fact that the Revision Application arises out of an interim order passed by the appellate Court and the appeal is now ready for hearing, the interests of justice can be met by passing the following order:-

- [a]** Without prejudice to the rights of the parties, the interim directions issued on 1st February, 2018 shall continue to operate during pendency of the appeal.
- [b]** Needless to state that if the said interim directions are not complied with, the consequences indicated in the order passed below Exh.9 would operate.
- [c]** The paper-book be prepared by the end of June, 2018. Regular Civil Appeal No. 738 of 2016 shall be decided expeditiously by the appellate Court and preferably by the end of July, 2018.

It is clarified that the interim arrangement as made shall not influence the appellate Court in any

manner. The appellate Court shall decide the appeal on its own merits and in accordance with law.

Civil Revision Application is disposed of in aforesaid terms. No costs.

Judge

|hedau|