

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 440 OF 2017

M/s. Nikhil Enterprises .. Applicant
vs.
Dinesh R. Trivedi .. Respondent

None for the parties.

CORAM : M. S. SONAK, J.
DATE : 11 APRIL 2019.

P.C. :-

- 1] None for the applicant.
- 2] The impugned order dated 20th January 2017 reads thus:

“Heard both the sides and perused record. Adv for J.D relied upon the ratio laid down in authority of Hon B.H.C in 2007 (2) MHLJ Kishor Rajput Vs Preeti Rajput. It is pertinent to note that the ratio laid down in this authority is in respect of the matrimonial dispute. In the instant the RD subject is in respect of possession of suit property & second appeal filed by JD is dismissed by Hon B.H.C. There is no stay granted by Hon Bom H.C in Review Petition No.226/2016 in RPSST.16446/2016 for execution of the decree. I do not find any probable reason to extend the discretion to stay execution when there is no stay granted. Hence instant application is rejected as the same is devoid of any merits. D.H to take further steps.”

- 3] According to me, such an order cannot be challenged by instituting a civil revision application. In any case, that

does not seem to be any infirmity in the impugned order. The applicant, it appears, is only interested in keeping this civil revision application pending and on the ground of pendency avoiding execution proceedings.

4] Accordingly, civil revision application is dismissed.

(M. S. SONAK, J.)