

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4570 OF 2016
IN
FIRST APPEAL NO.630 OF 2017

Tarun Pranalal Bajaria	 Applicant
V/s.	
Ashok Zaverchand Dedhia and Ors.	 Respondents

Mr. J.V. Parmar, with Mr. O.S. Kamwal, for the Applicant

Mr. Bhavin Gada, with Mr. Hitesh Solanki and Mrs. Vaishali Sharma,
I/by M/s. Harakchand & Co., for Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 18TH JANUARY, 2019.

P.C. :

1. Heard learned counsel for parties.
2. This Civil Application is filed seeking stay to the execution of the 'Decree'. However, it is pertinent to note that, this Court has, vide order dated 11th July 2017, specifically observed that, *“it will not be possible to grant any ad-interim order at this late stage, since the 'Decree' has already been put into execution and an 'Architect' has already been appointed to carry out the survey of the premises in question.”*
3. In view thereof, in the year 2017 itself, this Court did not find it possible to grant stay to the execution of the 'Decree'. Needless to state that, in the year 2019, the Applicant cannot come before this Court again to seek the same relief of stay; especially when the execution of the 'Decree' has been progressed further; when the notice is issued for

execution of the 'Agreement', which is to be executed under the MOFA, and the Suit is pending since the year 2010.

4. Hence, this Civil Application stands rejected.

[DR. SHALINI PHANSALKAR-JOSHI, J.]