

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4262/2019

Lata S. Sable

..VS..

Rajesh D. Lakde & ors.

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

Court's or Judge's orders

Ms. S.W. Deshpande, Advocate for the petitioner
Shri Y.P. Kaslikar, Advocate for the respondent no. 1

CORAM : Z.A.HAQ, J.

DATED : 21/06/2019

Heard.

The judgment and decree passed by the trial Court in favour of the plaintiff is challenged by the original defendant no. 3 before the District Court in appeal. In this appeal, the defendant no. 3 had filed an application praying for stay of the execution and operation of the judgment and decree passed by the trial Court. The learned Principal District Judge has stayed the execution and operation of the judgment and decree passed by the trial Court by the impugned order.

Considering the facts of the case, I am not inclined to interfere with the impugned order specially as it cannot be said that the learned Principal District Judge has committed any illegality or error of jurisdiction, however, interests of justice would be sub-served by directing the learned Principal District Judge to decide the appeal till 30/11/2019. The respondent no. 1 (appellant before the

District Court) shall supply the private paperbook in appeal till 30/07/2019.

If the paperbook is not filed within time, interim order granted by the learned Principal District Judge on 27/03/2019 shall stand vacated and the decree holder will be at liberty to proceed with the execution.

The writ petition is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari