

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

WRIT PETITION NO.6220 OF 2019

(VASANTRAO BABURAO KATE...VS.. SMT. SMITATAI VINAYAKRAO BHISE)

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

Court's or Judge's orders

Ms A.S.Athalye, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 11, 2019.

Heard.

Regular Civil Appeal No.148 of 2014 filed by the petitioner is pending before the District Court. Till now the petitioner has not been able to obtain any interim order in that appeal, staying the execution of decree passed by the trial Court. Though a grievance is made on behalf of the petitioner that the appeal is transferred repeatedly from one Court to other and it has been transferred on 9 occasions, the roznama produced, at the time of hearing, shows that on most of the occasions the appellant and his Advocates were absent. The facts on record show that the petitioner had not been diligent in pursuing the matter. Hence, it cannot be said that the executing Court has committed any error by proceeding with the execution.

However, in my view, the interests of justice would be sub-served by granting protection to the petitioner till 20th September 2019.

It is directed that the execution proceedings shall not be proceeded with till 20th September 2019. In the meantime, the petitioner may take appropriate steps to pursue the application filed by him in appeal before the District Court seeking stay to the execution of the proceedings.

With the above observations, the writ petition is **disposed**. No costs.

JUDGE

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