

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 299/2018

Harjeet Singh kalyan Singh Marwa and others.

-VERSUS-

Kashinath Baliram Samrit and others.

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

Court's or Judge's Orders

Shri R.L. Khapre, Advocate for Appellants.
Shri S.S. Rao, Advocate for Respondent No.2.

CORAM : VINAY JOSHI, J.

DATE : 04.11.2019.

Civil Application (S) No.861/2019.

Heard.

2. Respondent has moved this application for vacation of ad-interim stay to the execution of decree initially passed in Special Civil Suit No. 356/1995. The suit for preemption came to be decreed and in First Appeal it was confirmed. Record indicates that after filing of this Second Appeal initially ad-interim stay was granted by this Court vide order dated 24.06.2016, which was confirmed by a

2

reasoned order dated 01.08.2016.

3. The order of confirming the stay is a speaking order based on some reported judgments cited by the appellant. In the circumstances, there is no propriety in vacating the same.

4. At this stage, the learned counsel for respondent submits that liberty be granted to file execution proceeding with an undertaking that respondent will not execute the decree till the stay is vacated by this Court.

5. I do not find any difficulty in granting said liberty, since it is a procedural formality. Recording the statement of respondent that he will not execute the decree without specific order from this Court, liberty is granted to file execution proceedings. Civil Application is disposed of accordingly. No costs.

JUDGE

Rgd.