

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

CIVIL APPLICATION (W) NO. 2935/2019 IN WRIT PETITION NO.5971/2017

Mahammad Kashif s/o Mahammad Sabir Vs. Ashok D.Chikse 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 C.A.Joshi, Advocate for applicant/petitioner.
Shri V.B.Gawali, Advocate for non applicant nos. 2 to 5.

CORAM : A.S.CHANDURKAR, J.

DATED : NOVEMBER 14, 2019

The applicant seeks restoration of the interim relief that was granted on 13.09.2017. It is stated in the application that the order directing appointment of the Court Commissioner has been challenged in the writ petition and if the commission is executed, prejudice could be caused to the petitioner. It is further stated that costs of Rs.2,000/- have been deposited as directed and steps have also been taken to have notice published in a local newspaper for service on the respondent no.1.

The application is opposed by the learned counsel for the non applicant nos. 2 to 5. It is stated that the petitioner has not been diligent in prosecuting the writ petition and hence stay has been rightly vacated.

Considering the fact that the order dated 03.07.2017 is challenged in this Court and the notice for service on the respondent no.1 has been sent for publication, the order dated 13.09.2017 is restored.

Civil Application is disposed of.

JUDGE

Andurkar.