

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

WRIT PETITION NO. 809/2019

Bapurao Mahadeo Patmase & anr.

..VS..

Praful S/o Anantrai Vora & ors.

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

Court's or Judge's orders

Shri S.S. Dhengale, Advocate for the petitioner(s)

CORAM : Z.A.HAQ, J.
DATED : 08/02/2019

Heard.

The trial Court has decreed the claim of the respondents – plaintiffs for eviction and possession against the petitioners. The petitioners have filed appeal before the District Court which is pending. In the appeal, the petitioners filed an application praying for stay of the execution of the decree passed by the trial Court. By the impugned order, the learned District Judge has stayed the execution of the decree, however, on condition that the petitioners shall deposit Rs. 10,000/- per month towards occupation charges.

The submission on behalf of the petitioners is that in the earlier round of litigation, the petitioners have succeeded. It is further submitted that in the earlier round of litigation, the petitioners were required to deposit Rs. 600 per annum as rent.

Be that as it may, as per the schedule of the property attached to the plaint, the petitioners are in possession of 3692.37 square feet, opposite Gandhi Sagar Lake, Nagpur which is a prime locality. The learned District Judge has examined the relevant aspects and the conclusions recorded in para no. 4 of the impugned order cannot be said to be without any basis.

I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari