

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO.582 OF 2020

MAHAVIR INDARPAL CHHAJED JAIN AND ANOTHER  
VERSUS  
PRASHANT GOVIND SHARMA AND ANOTHER

...

Advocate for the Petitioners : Shri Patil Prakashsing B.  
Advocate for Respondents 1 and 2 : Shri S.H.Pathan h/f Shri Shermale K.  
N.

...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 04<sup>th</sup> March, 2020**

**Per Court:**

1 I have heard the learned advocates for the petitioners and on behalf of the respondents.

2 The learned advocate for the petitioners submits that the surety in the sum of Rs.5 lakhs would be tendered before the first Appellate Court in Regular Civil Appeal No.1/2019. He prays for two months' time.

3 The learned advocate for the respondents submits that the judgment and decree is delivered on 12.12.2018 in Regular Civil Suit No.36/2013. It would cause substantial harm and grave hardship to the original plaintiffs if the impugned interlocutory order dated 21.11.2019 is interfered with. He, therefore, submits that the petitioners may be granted

one week's time to tender the surety.

4 In view of the above, this Writ Petition is disposed off.

5 On the condition that the petitioners shall furnish a surety in the sum of Rs.5 lakhs before the Appellate Court, on or before 31.03.2020, the interim relief granted by the Appellate Court in Regular Civil Appeal No.1/2019 shall continue. If the petitioners fail to comply with this direction, the protection granted by the Appellate Court below exhibit 5 shall stand vacated without reference to the Court on 01.04.2020.

*kps*

(RAVINDRA V. GHUGE, J.)