

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12106 OF 2019

Kamlesh A. Gupta

...Petitioner

vs.

Dinanath T. Gupta

...Respondent

Mr. T.N. Sonawane for the Petitioner.

Ms. Divya Parab i/by R.N.Gite for the Respondent.

CORAM : REVATI MOHITE DERE, J.

DATE : 07th February, 2020

PC:

1. Heard learned counsel for the petitioner.
2. By this petition the petitioner has impugned the order dated 31.7.2019 passed by the learned District Judge -1 Nashik below Exhibit 4 in RCA No.86 of 2019, inasmuch as, it rejects the petitioner's request to furnish security of the decretal amount within two weeks as a condition for staying the execution and operation of the Judgment and Decree passed by the Trial Court.
3. Learned counsel for the petitioner submits that, the petitioner is ready to offer his flat as security. Since this request is being made for the first time, learned counsel seeks leave to withdraw this petition with liberty to file an appropriate application offering the petitioner's flat as security before the Appellate Court within three weeks from today.

4. Accordingly, the petitioner is permitted to withdraw the petition with liberty as prayed. The petitioner is granted three weeks time to file an appropriate application before the Appellate Court. In the meantime, the execution and operation of the Judgment and decree dated 20.8.2018 passed in Summary Suit No.47 of 2014 is stayed for a period of three weeks from today. If such an application is filed, the learned Judge to consider the same on its own merits expeditiously.

5. All contentions of all parties are kept open.

6. Petition is disposed off.

7. Parties to act on an authenticated copy of this order.

REVATI MOHITE DERE, J.