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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5675 OF 2021
IN
SECOND APPEAL NO.263 OF 2021

1) The Maharashtra Housing and Area
Development Authority (MHADA)
Through its Secretary,
Mantralaya Mumbai & Ors. = **APPLICANTS**

VERSUS

M/s Shiva Enterprises,
Through its Partner -
Dhoopnarayan s/o Rajkara Singh = **RESPONDENT**

Mrs.Renuka V.Ghule, Advocate for Applicants;
Mr.JN Singh and Mr. AS Kulkarni, Advocates, for
Respondent.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 3rd August, 2021.

PER COURT :-

1. By this Civil Application, the
applicants-appellants have prayed for stay to the
impugned judgment and decree passed by the learned
First Appellate Court.

2. The Second Appeal has been admitted by
formulating the substantial questions of law.
Though this is a money decree and the settled legal
position is that a Court should be slow in granting

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blanket stay to such judgment and decree; yet here substantial amount appears to have been withdrawn by the plaintiff-respondent after it was deposited with this Court. At the cost of repetitions, it can be said that the Appellant – MHADA had deposit an amount of Rs.35,16,576/- and now the decree that has been passed and the principal amount is Rs.37,51,784/-. That means substantial part of the amount has been deposited. Taking into consideration this situation, there is no hesitation to stay further proceedings in the Execution Petition before the learned 3rd Civil Judge, Senior Division, Dhule till decision of the Second Appeal. Accordingly, there shall be stay in terms of prayer clause (F) till final hearing and disposal of the Second Appeal. The Civil Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV