

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11496 OF 2021

IN

WRIT PETITION NO.582 OF 2020

**(Mahavir Indarpal Chhajed Jain and another Vs. Prashant Govind Sharma
and another)**

.....

Mr. Paresh Patil, Advocate holding for Mr. P.B. Patil,
Advocate for the applicants

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CORAM : MANGESH S. PATIL, J.

DATE : 26.10.2021

PER COURT :

The petitioners (present applicants), who are the original defendants, had challenged the order passed by the District Court in his appeal under Section 96 of the Code of Civil Procedure whereby he was directed to furnish a surety to the tune of Rs.5,00,000/- for due performance of the decree, as a condition for staying operation and execution of the decree under challenge. That order was passed on 21.11.2019.

2. By the order dated 04.03.2020, the petitioners were granted time to comply with the direction on or before 01.04.2020.

3. By way of present application, again a request is made for extension of time.

4. Having heard the learned Advocate for the applicants/

petitioners, it transpires that the order dated 04.03.2020 was a conditional one, whereby it was specifically directed that the interim relief granted by the Appellate Court in the Regular Civil Appeal No.1/2019 would stand vacated without reference to the Court if the surety was not furnished on or before 31.03.2020.

5. It is quite apparent that the earlier extension was a conditional one and the consequences ensued automatically, on failure of the applicants/petitioners to furnish surety. There is nothing in existence the life of which can be extended.

6. The application is rejected.

[MANGESH S. PATIL]
JUDGE