

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

Civil Application (CAF) No.1278/2021
IN
First Appeal Stamp No.1178/2021

Tukaram s/o Govindrao Raut Vs. Arun s/o Narayan Thakre

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.
Court's or Judge's Orders

Shri S.R. Chakravarti, Advocate for the Applicant/Appellant.

CORAM : S.M. MODAK, J.
DATE : 1st JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard.

There is a delay of 365 days in preferring an appeal against the judgment of the Reference Court.

Issue notice to the respondent, returnable after eight weeks.

Civil Application (CAF) No.1279/2021

Heard.

Though the appellant being the sole respondent has appeared before the Tribunal and has filed written statement, thereafter he has not participated in the enquiry. As a result of the Tribunal gave verdict on the basis of available evidence. Yet the appeal is to be admitted.

Even though the appellant has not given evidence before

the Tribunal, still he can challenge the findings on a limited ground. The claimant has filed execution and notice is received by the appellant. Even though there are various grounds taken, it will be considered only when the appeal is admitted and heard. Still the appellant needs to be protected. At the same time, the interest of the claimant also needs to be protected. Stay only subject to deposit of certain amount. Hence the order:

- a) The execution case No.60/2020 is stayed, subject to deposit 50% of the decretal amount within fifteen days.

The civil application is disposed of.

JUDGE