

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

CIVIL APPLICATION (CAS) NO. 630 OF 2019
IN SECOND APPEAL ST. NO. 11125 OF 2018

(Usman s/o Sheikhji Sheikh & 3 Ors. vs. Ramrao s/o Tanbaji Pethkar (died) thr. LRs Smt. Gangabai wd/o Ramrao Petkar & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.K. Bezalwar, Advocate for the applicants.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 08, 2021.

Heard Shri Bezalwar, learned counsel for the applicant. None for the non-applicant, though they are duly served.

This is an application for condonation of delay of 24 days in filing Second Appeal.

Considering the reasons mentioned in the application, delay is condoned. Civil Application is allowed. Second Appeal be registered.

The learned counsel for the applicant prays for stay to the execution of the decree.

A perusal of the judgment of the trial Court shows that the defendant is directed to execute the sale deed after obtaining permission from the Collector and if the permission is not granted, the appellant/ defendant to deposit amount of

compensation of Rs.22,000/- with interest @ 9% from the date of institution of the Suit. It is stated that the appellant has not applied for permission from the Collector.

The appellate Court confirmed the decree of the trial Court.

In this view of the matter, the appellant to deposit the decretal amount of Rs.22,000/- along with interest @ 9% from the date of institution of the Suit before the Executing Court till today.

On deposit of the amount, there shall be stay to the execution of the decree of the trial Court dated 13.07.2009, pending this appeal.

JUDGE

*GS.