

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 14461 OF 2022**

Shrikant Dnyanu Mali
(deceased through LRs.) Sonabai Shrikant Mali
and Ors. .. Petitioners

Versus
Milind Rajaram Mali and Ors. .. Respondents

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- Mr. Sandeep S. Koregave for Petitioners
 - None for Respondents
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 29, 2022.

P.C.:

1. Heard learned Advocate for Petitioners.
2. Perused the impugned Order dated 01.01.2022, which reads thus:

“ORDER

- a) The stay to the execution of the decree impugned in this appeal is granted in terms of the order for stay earlier passed on Exh.12 for two months from the date of this order.
- b) The paper-book department is instructed to prepare the paper-book in this appeal within one month from the date of this order on priority basis.
- c) Matter be fixed on 01/02/2022 for receipt of the paper-book.”

3. Learned Advocate for Petitioners has placed on record a copy of Order dated 01.01.2022 passed below Exhibit.86. He submitted that inadvertently the said copy has not been annexed. The said document is taken on record and marked “X” for identification.
4. Perusal of the application preferred by the Petitioners dated

21.01.2019 at Exhibit-E preferred by Petitioners seeking direction to the Respondents to pay court fees of Rs.1,50,000/- which Respondents have demanded from the Petitioners for the sugarcane crop which the Petitioners had sold/sent to the sugarcane factory.

5. Learned Appellate Court has come to the conclusion that the said application shall go with the appeal. In effect it is clarified that reading of the impugned order dated 01.01.2022 which was passed on the same date as Exhibit-86 was decided that the application preferred by the Petitioners under Exhibit-59 shall be decided alongwith Appeal. Apart from the aforesaid clarification no further clarification is required.

6. Writ Petition is disposed of.

[MILIND N. JADHAV, J.]