

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 977 OF 2022
WITH
CIVIL APPLICATION NO.99 OF 2022

Shakil Ahmed Khan ...Appellant
Versus
Kazi Tauhid Ahmed Saeed ...Respondent

...
Mr. S.P. Shrivastava, for Appellant.
Ms. Sandhya A. Mailagir h/f Mr. Anil D. Joshi, for Respondent
...

CORAM : SANDEEP V. MARNE, J.
DATE : AUGUST 30, 2023.

P.C.:

1. In this Appeal, the Appellant has challenged order dated 6 August 2019 by which the lower Appellate Court has refused to stay the decree during pendency of Appeal. The Appeal is pending since the year 2019. The Appellate Court had called for record and proceedings by order dated 6 August 2019 and has already expedited the Appeal.

2. Learned Counsel for Respondent would submit that the Appeal is kept for dismissal on 4 September 2023 on account of inability on the part of the Appellant in procuring the record and proceedings of the case. She would

further submit that if the Appellants are ready to argue the Appeal even on 4 September 2023, the Respondent would cooperate for decision of the Appeal without seeking any adjournment.

3. In that view of the matter, rather than deciding the correctness of the impugned order, it is appropriate that the Appellant presses hearing of the substantive Appeal pending before the first Appellate Court.

4. Appeal is accordingly disposed of.

5. In view of the disposal of Appeal, Civil Application No.99 of 2022 does not survive and stands disposed of.

(SANDEEP V. MARNE, J.)