

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.20537 OF 2022
IN
FIRST APPEAL NO.197 OF 2013**

Jayant Shetty (since deceased)
through L.Rs. 1.1) Shobha Jayant
Shetty & Anr.

... Applicants

V/s.

Sairus Adi Printer & Ors.

... Respondents

Mr. Sanjeev Kadam with Babita P. Pandey for the
applicants.

Mr. V.S. Kapse with Mr. S.R. Bhalekar for respondent
nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 8, 2023

P.C.:

- 1.** The instant interim application has been filed seeking stay of Execution Application No.184 of 2022.
- 2.** Perusal of the record shows that this Court by order dated 4th October 2019 made conditional order which require applicants to deposit the compensation amount. Clause 5 of the said order was to operate automatically in case of failure of applicants to deposit amount of compensation as agreed. Order dated 4th October 2019 was passed on the application for stay.

3. Due to non-compliance of clause 5 of order dated 4th October 2019, the stay application stood rejected. The interim applications for recall of order dated 4th October 2019 has been rejected by this Court by separate reasons.
4. In view of rejection of earlier application for stay and in absence of any material change in circumstances, present interim application for stay of decree cannot be entertained.
5. The interim application is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)