

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

WRIT PETITION NO. 5582 OF 2021

Prabhakar Ramkrishna Belwale __ Vs. __ Mangala Gajanan Nandanwar

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

Court's or Judge's orders

Mr. G.A.Qubbawal, Advocate for Petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 02/01/2023

1] Heard Mr. Qubbawal, learned counsel for the petitioner.

2] The petition seeks to challenge the order dated 18.02.2020 passed by the learned Appellate Court below Exh.5 to the extent it directs the appellant/petitioner to deposit the amount of Rs.1,50,000/- as security. It is contended that the Appellate Court has no such authority, apart from which there is no discussion regarding quantum.

3] The authority of the Appellate Court stems from the provision of Order 41 R 3(c) of the CPC, which permits it to impose security. In the instant case, the appellant/Petitioner has already suffered a decree for handing over vacant possession by the Trial Court, which is sought to be stayed and has been stayed. The direction

to deposit the amount towards security is therefore clearly justified.

4] The question of quantum of security is always at the discretion of the Court granting the stay and therefore, cannot be interfere with. I therefore do not see any reason to interfere with the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit