

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9849 OF 2024

Datta Education Society
Through its Chairman & Anr.

... Petitioners

vs.

Mahadev Kedari Shelke and Anr.

... Respondents

Mr. Chetan Patil (Through V. C.) a/w. Mr. Bhushan Jadhav :	Advocates for Petitioners
Ms. Savita Prabhune :	AGP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 3rd DECEMBER 2024

P. C. :-

1. Heard learned Advocate for Petitioners and learned AGP. She has not served copy of Petition. Let it be served on her.
2. Issue notice to private Respondent returnable on 3rd February 2025. Private notice is allowed. Service affidavit be filed.
3. Office has not placed the papers. Compilation is shown to me by learned Advocate for Petitioners. There is an *ex parte* Decree and there

was delay. The trial Court condoned it however refused to set aside the *ex parte* Decree. That is why this Petition by the Management Educational Institution.

4. According to Mr. Patil, learned Advocate for Petitioner he has good case in the Writ Petition and consequently the Suit was filed even though the Plaintiff/ employee has failed before the Tribunal. Now, execution is filed before the executing Court. That is why ad interim relief is sought. Prayer clause (c) of the Petition reads thus :

(c) Interim and ad interim reliefs in terms of prayer clause (b) above be granted.

5. But execution is of the Decree relating to the money, so stay has to be subject to condition. Hence following order :

ORDER

(i) Ad-interim relief is granted in terms of prayer clause (c) till next date subject to deposit of 50% of decretal amount before the executing Court within a period of 4 weeks from today.

[S. M. MODAK, J.]

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