



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

WRIT PETITION NO. 60 OF 2024

(PRASHANT NAGORAO CHAHANDE..VS.. RAJESH BABURAO CHAHANDE.)

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

Court's or Judge's orders

Shri S. S. Meshram, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 05, 2024.

1. Heard.
2. In the present matter, the challenge is raised to the order below Exh.44 dated 31/10/2023 passed by the District Judge-14, Nagpur rejecting the application for permission to furnish security instead of amount to be deposited in pursuance to the order dated 18/08/2021.
3. The appellate Court, while staying the judgment and decree dated 26/02/2015 passed in Regular Civil Suit No.8 of 2007, imposed a condition to deposit Rs.28,800/- and Rs.2,000/- per month from the date of judgment and decree impugned towards mesne profit or compensation for the use and occupation of the premises, by the appellant in the lower Court.
4. Thus, it is clear that the petitioner was supposed to pay Rs.2,000/- per month from the date of decree i.e. from 26/02/2015 in addition to Rs.28,800/-. However,

till date, the petitioner has paid Rs.40,000/- which shows that there is no compliance of the condition of stay.

5. In the circumstances, since there is an order directing to deposit Rs.2,000/- per month, the request rejecting to furnish security instead of the amount to be deposited, is just and proper. Accordingly, I do not want to interfere in the impugned order.

The Writ Petition is **dismissed**. No order as to costs.

6. The appellate Court is directed to decide the appeal expeditiously.

JUDGE