



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

Writ Petition (WP) No. 354 of 2024

Parashram S/o Premlal Uike
Versus
Sau. Sharda W/o Subhash Gaikar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.V.Dhage, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.
DATED : 16th JANUARY, 2024.

Heard.

2. The Order Below Exhibit 19 dated 9th August, 2023 passed by the learned Adhoc District Judge-5, Nagpur in Regular Civil Appeal No. 551 of 2016, rejecting the application to grant stay to the execution proceeding, is under challenge in this writ petition.

3. The application was rejected on the ground that the Regular Civil Appeal No. 551 of 2016 was filed by the petitioner and in the said proceeding the petitioner was directed to pay one-fifth of decretal amount as a condition for stay to the judgment and

decree passed in Special Civil Suit No. 767 of 2008. This condition was not fulfilled till July, 2023 and on issuance of arrest warrant in a execution proceeding, the appellant deposited Rs.2,00,000/- and prayed for restoration of the stay order.

4. Thus, it is evident that the order dated 19th July, 2017 granting conditional stay to the judgment and decree passed in Special Civil Suit No. 767 of 2008, has not been complied with till date.

5. In that view of the matter, I do not find any error committed by the learned first Appellate Court in rejecting the application to stay the execution proceeding. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]