



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

Writ Petition No.2809 of 2024

**DAMODHAR @ DAMU S/O RAMCHANDRA DIYEWAR
VS
RAKESH S/O PRABHAKAR UPADHAYA**

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

Court's or Judge's Order

Shri N.L. Jaiswal, Advocate for the Petitioner/s

**CORAM : ANIL S. KILOR, J.
DATE : 29.04.2024**

1. Heard.
2. A challenge raised in this petition is to the order below Exh.6 dated 23.06.2023 passed by District Judge-9, Nagpur in Regular Civil Appeal No.143 of 2022, staying the execution of the judgment and order dated 08.10.2021, subject to certain conditions, including the condition to deposit the compensation of Rs.2,000/- per months from the date of the judgment.
3. According to the petitioner, the conditions are exorbitant and need to be modified.
4. I do not find favour with such submission considering the direction in clause (iv) of the impugned order to the effect that to invest the amount deposited by the petitioner in the Fixed Deposit for a term of at least one year in Nationalized Bank. The said direction shows that the rent amount which was directed to be deposited by the petitioner, is subject to result of the appeal.

5. In that view of the matter, I do not find any merit in the present writ petition. Accordingly, the writ petition is **dismissed**.
6. At this stage, the learned counsel for the petitioner seeks extension of time to comply with the order.
7. The period granted by the learned First Appellate Court to comply with the order was expired in the month of September 2023. Whereas, the present writ petition was filed on 15.04.2024 i.e. after about 7 months from the expiry of the stipulated period.
8. In the circumstances, a liberty is granted to the petitioner to move an appropriate application for extension of time before the learned First Appellate Court. If such application is filed, the learned First Appellate Court may consider and decide the same in accordance with law.

[ANIL S. KILOR, J.]