



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

Writ Petition (WP) No. 4928 of 2023

Zilla Parishad, Akola through its Chief Executive Officer

Versus

Alok S/o Ratanlal Goenka and others

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

Court's or Judge's Order

Ms. Roma Bondade, Advocate and Shri N.D.Sonare,
Advocate for the petitioner.

Shri S.A.Mohta, Advocate for the respondent no.1.

Shri A.R.Deshpande, Advocate for the respondent no.2.

CORAM : ANIL S. KILOR, J.

DATED : 29th FEBRUARY, 2024.

Heard.

2. The order dated 26th July, 2022 passed by the Adhoc District Judge-1, Akola in Regular Civil Appeal No. 23 of 2021, rejecting the application filed by the petitioner for grant of stay to the execution of decree, is under challenge in this writ petition.

3. The only challenge raised is that, while putting a condition of depositing of Rs.7,00,000/- within two weeks for grant of stay, the Appellate Court has not taken into consideration the amount deposited by the petitioner prior to such direction i.e. Rs.3,20,802/-.

4. I do not want to go into the merits of the present matter for the reason that the petitioner has accepted that the condition of deposit of Rs.7,00,000/- has not been fulfilled or he not has moved any application before the Appellate Court to modify the impugned order, seeking deduction of the amount of Rs.3,20,802/- already deposited by the petitioner.

5. Moreover, since the facts of deposit of Rs.3,20,803/- was noted by the Appellate Court and thereafter a condition in question was imposed for grant of stay, the only option is left for the petitioner is to apply for modification of such order.

6. Accordingly, the writ petition is rejected.

7. At this stage, learned counsel for the petitioner seeks permission to file an application for extension of time to comply with the order.

8. Accordingly, the liberty is granted to apply for extension of time to comply the condition of the impugned order dated 26th July, 2023.

9. If such application is moved, the learned Appellate Court shall decide the same in accordance with law.

[ANIL S. KILOR, J.]