



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

Civil Application [CAO] No.1465 of 2023

in

Civil Application [MCA] No.794 of 2022

Nilima Janardhan Birkad vs. Janardhan Ranuji Birkad

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Mahesh Rai, Advocate for the Applicant.

Mr. R.D. Hajare, Advocate for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 8th JANUARY, 2024.

Heard the learned Counsel for the parties.

02] The non-applicant has filed this application for vacation of the order of stay to the proceedings in H.M.P. No.84/2022 pending on the file of the learned Civil Judge Senior Division, Hinganghat.

03] The applicant had filed transfer application before this Court. However, on 21/02/2023, the said application came to be withdrawn by the applicant with liberty to file application for transfer before the learned Principal District Judge, Wardha. While disposing of the transfer application, this Court directed the trial Court not to proceed with further proceedings till the applicant files appropriate application before the learned Principal District Judge, Wardha.

04] The said order appears to be passed before ten months. The learned Counsel for the applicant has not filed transfer application before the learned Principal District Judge, Wardha till today. The learned Counsel would submit that he will file the same within a couple of days.

05] Be that as it may, but fact remains that there is a stay to the proceedings in H.M.P. No.84/2022, which was granted just to give an opportunity to the applicant to file transfer application before the learned Principal District Judge, Wardha. But, he did not apply for transfer of the petition since last ten months and, therefore, the stay order, which is in force, is required to be vacated.

06] The application is allowed. Stay granted to the proceedings in H.M.P. No.84/2022 pending on the file of the learned Civil Judge Senior Division, Hinganghat vide order dated 21/02/2023 is hereby vacated.

07] The application is disposed of accordingly with no order as to costs.

JUDGE

**sandesh*