

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1117 OF 2025

VISHAL
SUBHASH
PAREKAR

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Date: 2025.01.31
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Raghunath Baburao Thorat

...Petitioner

vs.

Vijaykumar Mahadev Narule
(since deceased through LRs)

...Respondent

Mr. Ashok Misal, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 29, 2025

P.C:

1. Heard the learned counsel for the petitioner.
2. This petition assails the order dated 8th September, 2022 passed by the learned District Judge, Malshiras on an application for stay to the execution and operation of the decree passed in Special Civil Suit No. 21 of 2015, during the pendency of the appeal. By the said order, the learned District Judge was persuaded to stay the execution and operation of the decree subject to deposit of half the decretal amount within one month.
3. The decree is for payment of an amount of Rs. 6,76,284/- along with interest @ 6% p.a from the date of institution of the suit till realization.
4. The learned counsel for the petitioner submitted that the petitioner could not deposit the amount on account of the ailments

the petitioner had been suffering from.

5. Since the decree impugned before the learned District Judge is a money decree, the learned District Judge was persuaded to grant stay to the execution thereof subject to the condition of deposit. No fault can be found with the order sought to be impugned in this petition.

6. In any event, the stay order was passed on 8th September, 2022. Time stipulated for the deposit has expired long back. It further appears that in Special Darkhast No. 1 of 2022 the Executing Court has already issued an order of attachment on 15th June, 2024.

7. In these circumstances having regard to the decretal amount and the time that has elapsed, the petition does not deserve to be entertained.

8. The petition stands dismissed.

(N. J. JAMADAR, J.)