



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

WRIT PETITION NO. 4057 OF 2025

(Sk. Rahim Sk. Jangu Vs. Pralhad s/o Bharat Gaholtkar and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Satyajeetsingh Raguwasnshi, Advocate h/f Mr. Rahul Dharmadhikari
for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 31st JULY, 2025.

Heard Mr. Satyajitsingh Raghuwani, learned counsel
for the petitioner.

2. By this petition, the petitioner raises a challenge to the order passed by the District Judge-4, Wardha on Exhibit-1 in Regular Civil Appeal no.53/2024 by which the petitioner's request for restoration of the stay order is rejected. The petitioner is a tenant, who has filed Regular Civil Appeal No. 53/2024 challenging the decree passed in favour of the landlord in Regular Civil Appeal No.42/2022. The petitioner's application for stay was partly allowed by the Appellate Court by order dated 11.12.2024 and the execution of the decree was stayed until the disposal of the appeal, subject to condition of depositing arrears of rent amount of Rs.57,600/- within two months. On failure of the petitioner to deposit the amount of arrears of rent, the application for stay came to be rejected and, therefore, the petitioner submitted application dated 15.07.2025 for taking the case on board for seeking restoration of stay.

3. The Appellate Court passed order on Exhibit-1 on 15.07.2025 and refused the request for restoration of the stay. Pertinent to note that the order records the conduct of the petitioner-appellant, who has failed to deposit the arrears of rent on earlier occasion. It is observed that even on earlier occasion the petitioner had rushed to the Court for seeking stay after apprehending the threat to the possession in the execution proceedings. The impugned order also records that the petitioner had not given any intimation or written notice to the counsel for the respondents before mentioning the matter and attempted to obtain orders for restoration of stay behind their back. The record reveals that after initial order dated 11.12.2024 was passed, the petitioner had failed to comply and deposit the arrears of rent and the repeated attempts to seek stay without depositing the arrears of rent is rightly refused by the Appellate Court.

4. The petitioner has failed to demonstrate any perversity in the impugned order and therefore, the Writ Petition is dismissed. There shall be no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)