

Spl. C.S. No. 15 /2019

Iqbal Shaikh

– V/s –

Chandramohansingh & Ors.

CNR No. MHAU050013342019

ORDER BELOW EXH.NO. 42

Defendant no. 2 has moved this application for staying the suit. It is submitted by the defendant that, they have filed writ petition before the Hon'ble High Court bench at Aurangabad bearing no. 1958/2021 against an order passed below Exh. 41. So prayed to stay this suit until further orders in writ petition.

2] Plaintiff has filed say and raised objection stating that Hon'ble High Court in writ petition no. 1958/2021 has not stayed this matter. The matter is pending for argument on Exh. 5 therefore only to prolong the matter said application is filed. The application is not maintainable hence be rejected.

3] Perused application and say. It appears that defendant no. 2 has filed writ petition before Hon'be High Court against order passed below Exh. 41. Advocate for defendant no. 2 has relied upon :-

Kishor S/o. Bhikansingh Rajput Vs. Preeti W/o. Kishor Rajput 2007(2)Mh.L.J, 481wherein it is held that “When an order of subordinate Court is challenged before High Court and it is seized of the matter it is expected of the subordinate Courts to stay their hands away.”

4] In present matter the Hon'ble High Court has not stayed this suit however in view of above ruling it is expected that the subordinate Court should not make a hurry and proceed with the matter when it is challenged before Hon'ble High Court. However, that doesn't mean that the Court should stay the matter on its own motion. Only thing that can be done is to go slow in the matter

unless it is stayed by Hon'ble High Court. This Court cannot itself stay the matter without any direction from the Hon'ble High Court in that respect. Hence, I passed following order:-

ORDER

Application is rejected.

Date: 10.02.2021.

(Smt. P. T. Shejwal-Kale)
Jt. Civil Judge (Sr. Div.)
Vaijapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same, word to word, as per the original order.

Name of the Stenographer	:	G.D.Ghule.
Court	:	Smt. P. T. Shejwal-Kale, Jt. C.J.S.D., Vaijapur.
Date of order	:	10.02.2021
Order signed by the P.O.	:	10.02.2021
Order uploaded on	:	10.02.2021