

R.C.A.No.15/2016
Syed Ahemad V/s. Sayarabi & others

Order below Exh.5

1. This is an application under Order-41, Rule-1 of C.P.C. for grant of stay for operation of execution of judgment and decree of the lower court passed by C.J.J.D. Shegaon, in R.C.S.No.12/2006 on 29-01-2016.

2. The learned counsel for appellant has drawn my attention to paragraph 20 of the judgment in which the plaintiff has admitted that there is a Madarsa, and Mazaar. The Muslim used to pray there and the lower court has granted perpetual injunction by which they are prevented. Similarly, the lower court should have not granted negative declaration as sought by the plaintiff. Considering all these aspects in my view the judgment and decree of the lower court is challenged. The matter has to be decided on merits but till then the operation of execution of the judgment and decree has to be stayed. Hence I pass following order :-

ORDER

1. The operation of the execution of the judgment and decree of the lower court is hereby stayed till the appearance of the respondents in this case.
2. Inform lower court accordingly.

Sd/-

(Dr.N.M.Sakarkar)
D.J.-2, Khamgaon.

Dt.22/2/2016

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno: Mrs.Nishat Anjum Mohd.Rafique Shaikh.

Name of Court: District Judge – 2, Khamgaon.

Dt/- :