

MHBU040011042023



Reg.Civil Appeal No.37/2023  
Sanj Dainik Lokopchar  
Through-Kishor Ruparel  
Vs  
Gokulchand Sananda

**Order below Exh.24**

1. This application is filed by the respondent Gokulchand Govindlal Sananda through his Power of Attorney Holder Rajendra Gokulchand Sananda in person without signature of his advocate requesting to grant one month time and till then not to pass any order.
2. Appellants through their advocate have resisted the application by filing say on application. It is contended that, if this Court allowed this application then ad-interim stay be granted till next date.
3. Mr. S.T.Joshi, Ld. Advocate for the respondent has submitted that, as respondent has doubt that he will not get justice from this Court and he wanted to file application before the Hon'ble Principal District Judge for transfer of case to other Court. He submitted that in such circumstances this Court should not be involved in complication. Hence, he urged to allow the application.
4. On the other hand, Mr. P. R. Joshi, Ld. Advocate for the appellants has submitted that, the executing Court has issued the attachment warrant and likely to execute it today. He submitted that therefore, it is necessary to hear on stay application, otherwise appellants will sustained the loss. Hence, he urged that if this Court allow this application then interim stay may be granted till next date.

5. I have considered the submission of both the sides. Perused the application, affidavit of G. P. A. of respondent and say filed by the appellants. I have thoughtfully considered the submission of both sides. I have gone through the record and proceeding of the case.

6. The record shows that, the respondent had filed the Special Civil Suit No.17/2013 against the appellants for damages and permanent injunction in respect of Rs.25,00,000/- before the Civil Judge Senior Division, Khamgaon. The Ld.Civil Judge Senior Division, Khamgaon vide Judgment dated 30.06.2023 decreed the suit. Defendants directed to pay jointly and severally an amount of Rs.25,00,000/- to the plaintiff towards compensation within period of three months from the date of decree. The defendants perpetually restrained from publishing any defamatory articles against the plaintiff and his family members.

7. Being aggrieved and dissatisfied with the judgment and decree, appellants have filed present appeal along with stay application which is still pending for hearing. Respondent has also filed the Darkhast No. 241/2023 which is pending before the C.J.S.D.,Khamgaon. Executing Court has passed the order of attachment of movable property of the J.D.No.1 and 3 by breaking their lock as per Section 60 of the Code of Civil Procedure.

8. The record shows that, this case was pending before the Ad-hoc District Judge-1, Khamgaon Mr. Laxmikant A. Bidwai. On 18.11.2025 argument was heard on stay application Exh.5 and matter was posted on 21.11.2025 for order. As per the Roznama of 21.11.2025 , for the reason communicated to the Hon'ble Principal District Judge, Buldhana the Presiding Officer willing to rescue from this case, hence both parties to take note and matter was posted on 28.11.2025 for order. On 28.11.2025 the roznama reflects that the Presiding Officer has already requested to the Hon'ble P. D. J. Sir to

transfer this case to any other Court. Hence, matter was posted for awaiting of order from the Hon'ble P. D.J. Sir. Then matter was kept on 10.12.2025, 22.12.2025 but no order was passed on stay application Exh.5. The Roznama dated 04.02.2026 shows that appellants, respondent and their advocates were absent till 4.40 pm. Already the communication is received from Hon'ble P. D. J. Sir with direction to proceed with this appeal. So, if parties to the appeal are willing to proceed before this Court, then pass such pursis and proceed to re argue the appeal. Hence, matter was adjourned for steps/argument on 04.03.2026. The record and proceedings shows that on 04.03.2026 the Presiding Officer was on leave and on 11.03.2026 the Presiding Officer was relived for interview and matter was posted on 17.03.2026. The Roznama shows that on 17.03.2026 both parties and their advocates were absent. Later on advocate Wadhvani for appellants was present and filed pursis Exh.16 stating as advocate for appellants was engaged in another Court, therefore, he appeared before the Court on 4.30 pm and at that time he came to know that matter was adjourned on 06.05.2026.

9. As the Court of District Judge-2 and Additional Sessions Judge, Khamgaon newly created, therefore, the Ad-hoc District Judge-1 has transferred this matter to this Court. The record shows that on 17.04.2026 appellants have filed application Exh.17 to take the case on today's board along with application for pre poning the case .On same day in first session Advocate for respondent was called out for filing say but he was absent. Hence, in Second session also advocate Mr. S.T.Joshi was called out, he was absent but his junior advocate Mr. P. G. Deshmukh was present who submitted that his senior instructed him to make submission to keep the matter for hearing of stay application on 20.04.2026. Therefore, considering the above aspect, I have passed the order that the appeal be prepone for hearing on stay

application on 20.04.2026 instead of 06.05.2026. Accordingly, on 20.04.2026 when matter was called out, Advocate for both parties were present. On oral submissions of both sides, matter was kept on 21.04.2026. The record shows that, on 21.04.2026 the advocate for respondent Mr.S. T. Joshi has filed his detail reply at Exh.19 to the application filed by the appellants to prepone the case. Therefore, after considering the documents placed on record by the respondent and after hearing both sides, this Court has allowed the application Exh.18 on 22.04.2026 and prepone the case on 23.04.2026 for hearing on stay application. Stay order was uploaded on the same day.

10. Today, respondent through his General Power of Attorney in person has filed present application seeking one month time and praying not to pass any order. As today, the matter is kept for hearing on stay application. The appellants have urgency for hearing on stay application. They have already made submission that, the attachment warrant has been issued by the executing Court and about to execute it. In the light of above aspect, it shows that, respondent is intending to prolong the hearing on stay application. Therefore, in the light of above discussion, I do not find any substance to grant one month time for respondent to file application before the Hon'ble P. D. J., Buldhana for transfer of the case. Hence, application deserves to be rejected. In the result, I pass the following order :-

### **ORDER**

- (1) The application Exh.24 is hereby rejected.
- (2) Both parties to argue on stay application.

Date : 23.04.2026  
Place: Khamgaon.

(G. B. Jadhav)  
District Judge-2, Khamgaon

Certificate

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

Name of Court : District Judge-2, Khamgaon.

Name of Steno : G.P. Bhonde (Stenographer Grade-II)

Dictated on : 23.04.2026

Checked & Signed on : 23.04.2026

Decided on : 23.04.2026

Uploaded on : 23.04.2026