

Order below Ex.54 in Spl.C.S.no.467/2012.

Shri.Anandrao Dhondu Pawar Plaintiff.
Vs.
M/s Nirman Associates and
and others. Defendants

This is an application for grant of status quo till appeal period or till the earlier time when the appeal would be filed. It has been contended that status quo has been in existence till today which stood vacated on account of final order below Ex.5.

2 The application has been resisted on the ground that contents of application are vague and application has been decided on merits so that due to rejection of the application, no executable order exist which may be stayed.

3 Stay to the order of injunction passed under O.XXXIX is governed by O.XLI R.5(2) r/w O.XLIII of Code of Civil Procedure which requires the court to impose such condition as may be imposed. This does not appear to be application for staying the order.

4 Virtually it appears that, there is no executable order which can be stayed on account of order passed by this Court, but injunction having been removed, there is an executable obligation which can be performed by either parties, so that not on account of provisions relating

to stay to the order; but on account of section 94 r/w section 151 of the Code of Civil Procedure which is independent of O.XXXIX r/w section 151 of CPC, the relief of status quo which has been vacated by this Court by order below Ex.5 needs to be extended only for a period of 30 days and not further, which status quo extension of 30 days shall stand vacated ipso facto without further order. Hence the order.

ORDER

Status quo which has been vacated
by this Court by order below Ex.5 shall stand
extended only for a period of 30 days.

Panvel

Date- 18/03/2016

(D.R.Deshpande)
Jt.Civil Judge, Sr.Division, Panvel.