

ORDER BELOW EXH. 33 IN REGULAR CIVIL APPEAL NO. 04 OF 2025

(Passed on 22.06.2026)

This is an application filed by the appellant/defendant No.4 to stay the execution of decree wherein original defendant No.1 to 4 are jointly and severally directed to pay Rs.42,00,000/- along with interest at the rate of 6%.

2. As per the appellant/defendant No.4, the original plaintiff/respondent No.1 filed execution petition and praying for attachment of property of judgment debtors. There is no economical transactions took place between plaintiff and defendant No.4. The defendant No.4 given the property for development to defendant No.1 to 3. She is having no concern with the plaintiff. She has not received any amount from plaintiff. She is only the land owner. Hence, there is injustice against the appellant. Hence she prayed for stay to the execution of the decree.

3. Respondent No.1 filed reply and resisted the application. He claimed that he is ready to argue on Exh.5 i.e. application for stay to the execution of the decree.

4. I gone through the written notes of arguments filed by the appellant at Exh.36 and heard learned Advocate for respondent No.1. I also gone through the judgment of the Hon'ble Supreme Court in **M/S.Malawa Strips Private Limited v/s. M/s. Jyoti Limited AIR 2009 SC 1581**.

5. Though this application is interim application, learned Advocate for the appellant instead of arguing on Exh.5 i.e. application for the stay to the decree, pressed for this application and therefore, I am not going into the

merits of the matter, in detail to avoid predetermination of application at Exh.5.

6. The suit is decreed against the appellant as well as respondent No.2 to 4. The respondent No.1 appeared in the matter. He is a main contesting person in the appeal. As he appeared in the matter the appellant ought to have argued the application at Exh.5 i.e. application for stay to the execution of decree. Instead of it, appellant filed this application which is not supported by the affidavit. As matter is ready for hearing of Exh.5, it is neither proper nor prudent to grant this application. Hence, without going into the merits of the case and the judgment by keeping all points open for argument on the application Exh.5, I proceed to pass the following order.

ORDER

Application is rejected.

Place: Chiplun

(D. B. Mhalatkar)

Date: 22.06.2026

District Judge-1 Chiplun

Case No. RCA 04/2025 (Order Below Exh.33)

I affirm that the contents of this pdf file order are same word as per original order.

Name of Grade I Stenographer : Sandeep S. Patil

Court Name : District Judge-1 Chiplun

Date of Decision : 22.06.2026

Order Signed by P.O. on : 22.06.2026

Order uploaded on : 22.06.2026