



Order below Exh.79 in
Special Darkhast No.30/2019

(M/s. C.R. Constructions etc. Vs. Maharashtra Jeevan Pradhikaran etc.)

(1). Perused the application, say of other side, heard learned counsel J.D. and D.H. in person at length. Gone through the whole record carefully.

(2). In short, it is the assertion of J.Ds' in this application that this Court has passed order below Exh.33 attaching the Bank accounts of J.Ds', they have challenged the said order before the Hon'ble High Court, Mumbai. There is necessity to seek the order of stay from the Hon'ble High Court, Mumbai, they have confidence that they will get success in it, but it required some time. If there would be execution of order below Exh.33, Writ/Appeal/Stay Application of J.Ds' will become infructuous. So, till bringing the order from Hon'ble High Court, Mumbai, the order below Exh.33 is necessary to be stayed/called back.

(3). It is further assertion of J.Ds' that actually in Second Appeal No.149/2021, there was an order of Hon'ble High Court, Mumbai with the words "till next date of hearing", the meaning of these words is that the stay was up to the date of commencement of hearing of Second Appeal before Hon'ble High Court, Mumbai, still hearing of Second Appeal is not yet commenced. So, there was stay at the time of passing order below Exh.33 and still it is in existence, therefore, the execution of order below Exh.33 means not obeying the order of stay of Hon'ble High Court, Mumbai. Hence, the order below Exh.33 is necessary to be stayed.

(4). It is further assertion of J.Ds' that already J.Ds' have

produced the circumstances of Bank accounts of J.Ds' and what will be the effect of attachment on public, so that is to be considered. J.Ds' prayed to stay the order below Exh.33 regarding the attachment of Bank accounts until further order and to convey it to Bank.

(5). D.H. filed his say to this application at Exh.86 and strongly objected to this application. It is the assertion of D.H. in his say that, in the order of Hon'ble High Court, Mumbai, it has used the words “till next date and stand over to 30/06/2021”, accordingly date 30/06/2021 is over, on that date the Hon'ble High Court, Mumbai has not extended the stay. He prayed to reject the application.

(6). On perusal of order, it is seen that this Court has passed an order below Exh.33 on 06/01/2022. From the said date J.Ds' have an ample period to challenge that order before Hon'ble High Court, Mumbai and get the stay order. As already sufficient period is availed by J.Ds' to challenge the order of this Court below Exh.33 and bring the stay order from Hon'ble High Court, Mumbai. Therefore, it is not proper to grant further time to J.Ds' for bringing the orders from Hon'ble High Court, Mumbai.

(7). As far as the second assertion of J.Ds' as to the interpretation of “till next date of hearing” in the order of Hon'ble High Court, Mumbai in Second Appeal No.149/2021 is concerned, from the order it implies that, the next date of hearing means the next date of hearing before the Hon'ble High Court, Mumbai in Second Appeal No.149/2021, that means the next date of hearing before the Hon'ble High Court, Mumbai was 30/06/2021 and the stay was only up to 30/06/2021. In the order Hon'ble High Court, Mumbai has used the words “stand over to 30/06/2021”, therefore, the submission and interpretation of learned counsel for J.Ds' that, there was stay till the

date of commencement of hearing of Second Appeal No.149/2021, is not acceptable and sustainable. It was necessary on the part of J.Ds' to get extend the stay order on 30/06/2021 from the Hon'ble High Court, Mumbai.

(8). In view of the above reasons and discussions, the application deserves to be rejected. So, I proceed to pass the following order.

ORDER

1. Application is hereby rejected.
2. No order as to costs.

Sangli
Date : 02/03/2022.

(L.D.Huli)
Civil Judge Sr.Dn., Sangli.

CERTIFICATE

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

Name of Stenographer : G.S.Parve

Court : Civil Judge Sr.Dn., Sangli

Date : 02/03/2022

Signed by the Presiding Officer : 02/03/2022
on

Uploaded on : 03/03/2022