

ORDER BELOW EXH.01

1] Decree Holder (in short D.H.) namely Shri.Atul Laxman Gite, Judgment Debtor (in short J.D.) No.3A-2 namely Sanjiv Narhari Gite are present before Court.

2] Mr.A.V.Salunkhe the learned advocate for D.H. and Mr.S.A.Jadhav the learned Junior advocate for and on behalf of Mr.N.M.Wadikar, the learned advocate for J.D.No.3A-2 and 3A-3 are present before Court in the morning hours since 11.30 a.m. to 1.40p.m. The Objectors and their learned advocate Mr.U.H.Sanas, did not appeared before court when called repeatedly till 1.15 p.m.

3] This Court has passed Order below Exh.633 and Exh.638 today as on 17.12.2024 at around 1.15p.m. and signed the same. It is thereafter, at around 1.20p.m., Mr. U.H.Sanas, the learned advocate for Objectors, appeared before Court and intimated the Court regarding filing of Writ Petition before Hon'ble High Court. He further orally intimated about Stay Order. The learned advocate submitted that, the Hon'ble High Court was pleased to pass the Stay Order as on 16.12.2024 itself at around 5.30 p.m. In this regard, the learned advocate sought time till 3.30 p.m. to place on record the copy of Stay Order.

4] It is at about 4.00p.m. Mr. Sanas, the learned advocate for Objectors and Mr.Salunkhe, the learned advocate for D.H. are present before Court. Mr. Salunkhe produced the copy of Stay Order, which he

obtained Online after receiving information from Mr.Sanas, the learned advocate for Objectors. Mr. Sanas, the learned advocate for Objectors requested Mr.Salunkhe, the learned advocate for D.H. to provide him a copy. As per request Mr.Salunkhe, the learned advocate provided copy of Stay Order to Mr.Sanas, the learned advocate. Accordingly, the copy of Stay Order is placed on record with an Application for production of document (Exh.643) alongwith list (Exh.644). Actually, the Objectors are duty bound to provide a copy of Stay Order but it appears that Objectors are deliberately avoiding to inform the Court.

5] It is for the first time, at about 4.10 p.m. this Court has came across the fact regarding filing of Writ Petition and Stay Order dated 16.12.2024 passed by Hon'ble High Court in Writ Petition (ST) No.36470 of 2024.

6] It is material to note that, the Objectors on whose behalf Mr.Sanas, the learned advocate is appearing; ought to have given information about the filing of Writ Petition and the passing of order by the Hon'ble High Court as on 16.12.2024 itself. On the contrary, Mr.Sanas the learned advocate for Objectors advanced argument on Exh.638 as on 16.12.2024. This aspect shows that, Objectors were intending to avail the same remedy before two courts. The Objectors appears to have remained mute spectator till passing of Order by this Court as on today at around 1.15 p.m. It also appears that, Objectors attempted to influence the Court by suddenly placing Order passed by Hon'ble High Court.

7] The aforementioned observations are recorded only for the

purpose of considering the aspect that, had it been the case that Objectors would have informed the Court regarding filing of Writ Petition and the passing of Stay Order as on 16.12.2024 itself, this Court would not have taken up the matter for hearing/ order on Exh.633 and Exh.638 (Stay Applications filed by Objectors and J.D.No.3A-2 and 3A-3).

8] It is necessary to note the conduct of the Objectors that, they have intentionally concealed the fact of filing Writ Petition and they have attempted to create the record that, inspite of the Stay Order passed by Hon'ble High Court as on 16.12.2024 itself; this Court has proceeded to pass Order on Exh.633 and Exh.638. It appears that, Objectors are highly upset by the Order dated 09.12.2024 vide Exh.622(Application for Stay to the Order dated 04.12.2024 vide Exh.619), thereby imposing costs Rs.1,50,000/- and thus, it is by their aforementioned conduct of concealing, the grudge is shown. Hence, this note.

Place : Wai
Date : 17.12.2024

(**Priti D. Taru**)
Civil Judge Senior Division, Wai
Dist. Satara.