

ORDER BELOW EXH.6.
(Passed on 21.02.2024)

1. Applicants/appellants have filed present appeal against the judgment and decree passed in Spl.C.S.No. 88/2019 by 3rd Jt. C.J.S.D., Wardha, in which application for grant of stay came to be filed.

2. According to applicants, they runs a school under the name and style as Rashtriya Samajik Vidyalaya. Pipri (Meghe), Wardha having strength of 300 students, which is Government aided school, learned Trial Court has passed a decree for eviction and recovery of rent amount, they have deposited most of the rent amount i.e. 9,00,000/- during trial and after concluding the trial, they have every hope to success in the appeal, instant appeal will take its own time to conclude, if appellants are evicted from school then the very purpose of filing of instant appeal will get frustrated and appellants will cause irreparable loss. Hence, prayed for grant of stay till final disposal of appeal.

3. Respondent Nos. 1 and 2 resisted the application by filing reply at Exh.16 and denied all the contents in the application and submitted that appellant was not deligent to obey the direction of the learned Trial Court and only to prolong the matter have filed the instant appeal before this court, the grounds in the appeal are altogether false and fabricated, hence, prayed for rejection of the application.

4. Heard advocate Lunge for the applicants and advocate Chore for respondents. Perused the record and proceeding.

5. On the perusal of record it appears that Trial Court has passed the decree for eviction and recovery of rent amount against which present appeal is preferred, applicants have deposited Rs.9,18,886/- as per the record towards rent amount. At the time of argument advocate for respondents admitted that they have received Rs.7,80,000/- towards decreetal rent amount. It further appears that substantial amount has been paid by the applicants, so in my view a fair opportunity should be given to the applicants. Considering the facts and circumstances and nature of the proceeding application deserved to be allowed, hence, I pass the following order.

Order

- 1] Application for grant of stay is allowed
- 2] The execution and operation of judgment and decree passed in Spl.C.S.No.88/2015 dated 15.10.2019 by 3rd Jt. Civil Judge Senior Division, Wardha is stayed till final disposal of the appeal.
- 3] Parties are directed to expedite the appeal.
- 4] Inform the Trial Court accordingly.

Wardha

Date : 21.02.2024

(Sanjay J. Bharuka)
Principal District Judge,
Wardha

CERTIFICATE

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

Name of Stenographer	:	G. M.Shaikh, Grade-I
Court	:	Principal District and Sessions Judge, Wardha
Date	:	21/02/2024
Order signed by the Presiding Officer on	:	21/02/2024
Order uploaded on	:	22/02/2024