



RD No.04/2004
Uttamrao Vs..Sahebrao

ORDER BELOW EXH.229

This application moved behalf of JD No. 2 & 7 and prayed to stay the order passed below Exh.205 and 220 i.e. temporary injunction applications.

02. Say behalf of JD No. 8 filed on overleaf of application and resisted.

03. Heard both side.

04. Learned Advocate behalf of D No. 2 & 7 relied upon observations of the Hon'ble Bombay High Court in the case of Kranti Mohan Guruprasad Mehara Vrs. Fatechand Vasuram Behasl, reported in AIR 1982 BOMBAY 263. In which it is held that, "It cannot be underestimated that it is the privilege of a Court to pass an order one way or the other on merits, in accordance with law, yet a laudable principle is implicit ill the system to give a fair deal to each of the litigants who knocks the door of the Court and implicit therein is a further laudable principle that every litigant who is aggrieved by the order of the Court of the first instance has a legitimate right to move the higher Court to ask for redress and therefore, a reasonable opportunity should normally be given in that behalf to all the litigants, provided of course the prayer on the face of it does not

appear to be frivolous or vexatious. This principle is essential to be preserved so as to install a sense of confidence in the system of administration of justice.”

05. On 02/05/2022, this court has passed order below Exh.205 and 220 and rejected both applications of temporary injunction of JD No. 2 & 7. On second day of order this application is moved.

06. As per Order 41, Rule 5(2) of CPC, where an application is made for stay of execution of an appealable decree, the Court which passed the decree may on sufficient cause being shown order the execution to be stayed.

07. In the present matter, on 02.05.2022 applications at Exh. 205 and 220 is decided after given opportunity of hearing to both sides and it is rejected. The order passed below Exh-205 and 220 is not a executable decree or it is not subject or execution of an appealable decree. Further, there is no sufficient cause to allow the application. Hence, Order.

ORDER

Application at Exh-229 is hereby rejected.

Sd/-

Date: 06.05.2022

(S. N. Gavali)
Jt. Civil Judge (J.D.), Risod

CERTIFICATE

I affirm that the contents of this P.D.F. File Order/Judgment are same word to word, as per the original **Order**.

Name of the Stenographer : **Rohan S. Koshti (L.G.)**

Name of court : Jt.C.J.J.D.& JMFC, Risod.

Date : 06.05.2022

Order signed by the
Presiding Officer : 06.05.2022

Order uploaded on : 09.05.2022