

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4001/2023

Manikrao s/o Gomaji Borwar and others
Vs.
Sumit s/o Rameshwar Borwar

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. P.R. Agrawal, Advocate for petitioners

CORAM: AVINASH G. GHAROTE, J.

DATED : 11th July, 2023

Mr. Agrawal, learned counsel for the petitioners takes umbrage to the imposition of condition 2(i) in the impugned order dated 10/4/2023, by which, while granting stay to the effect and operation of the judgment and decree for partition as passed in RCS No.35/2014, the learned appellate Court has imposed a condition of deposit of Rs.50,000/- per year till further orders. It is contended, that the entire extent of land is 8 acres in which 1/9th share has been given to respondents, apart from which, the daughters who are coparceners in their own rights has not been impleaded. It is contended, that on account of non-impleadment of the daughters, the suit itself is infirm, on account of which, no such condition ought to have been imposed. Mr. Agrawal, learned

counsel for the petitioners contends, that Rs.25,000/- per year would be more reasonable, considering which, issue notice for final disposal, returnable on 7th August, 2023.

2. By way of an ad-interim order, the condition of deposit of Rs.50,000/- per year in the impugned order is hereby stayed subject to deposit of Rs.25,000/- by the returnable date.

JUDGE

MP Deshpande