

Order below Exh.15, in Civil Miscellaneous Application No.06/2023
(Uttam Harsingh Rathod & Ors. Vs. Subhash Narsingh Rathod & Ors.)
(CNR No.MHJG040001262023)

1. This application is filed on behalf of the applicants to stay the proceeding in Spl.C.S.No.87/2018, till the decision of present petition, filed u/s 24 of the Code of Civil Procedure.
2. Perused the application. It can be noted, at this stage, that there are as many as 35 opponents, out of them, only one i.e. opponent No.1 marked his appearance whereas the other three opponents could be served with the notices, however, as many as 30 opponents could not be served for want of production of copies, on the part of applicants, to them. At this stage, applicants are pressing for passing order to stay the proceeding in Spl.C.S.No.87/2018, based on the ground that the applicants have apprehension that they would not get justice from the Court where the matter is pending.
3. In the instant case, it has to be noted that the say of the opponents is yet to be filed and for want of diligence on the part of applicants, they could not be served and their reply could not be filed. As such, at this stage, due to want of diligence on the part of applicants, the opponents have lost the opportunity of hearing. Moreover, the report of the concerned Presiding Officer is yet to be received so as to pass the appropriate interim and final order, in this matter. As such, application (Exh.15), filed by the applicants, seeking the stay of proceeding, till the final order on this application, deserves to be rejected. Hence, the following order:-

: ORDER:

1. Application Exh.15 in Civil Misc.Appln.No.06/2023 stands rejected with no order as to the costs.

Date:22-06-2023.

(M.Q.S.M.Shaikh)
Principal District Judge,
Jalgaon.