

**CNR NO. MHSCA 20009422021**

**IN THE COURT OF SMALL CAUSES AT MUMBAI  
ORDER BELOW EXHIBIT-20  
IN  
R.A.D. SUIT NO. 472 OF 2021**

1. Shri. Nitin Manilal Furia & Anr. ...Plaintiffs  
Vs.  
1. M/s. Aarti Realchem LLP. & Ors. ...Defendants

**Coram :M. S. M. Y. Rachbhare  
Judge, C.R. No.09  
Date :07.01.2022**

**ORDER:-**

1. Defendant has filed present application for stay of execution of order passed by this court on injunction application vide Exh. 9 on the ground of he intends to prefer appeal before Hon'ble Appellate Court, Small Causes Mumbai. Plaintiff has not filed reply to present application.
2. I have heard argument of advocate of defendant and perused records of the proceedings. Plaintiff has filed declaratory suit. On 06.01.2022 the injunction application of plaintiff vide Exh. 9 was allowed in first half, thereafter present application was filed by defendant in second half to stay for execution of injunction order. Today Plaintiff has filed adjournment application and was seeking date for filing reply to this application in first half, thereby plaintiff was permitted to file his reply in second half and specific direction was given to him the application will be considered

without his reply in the event of failure to file reply to this application, as the condition of SOP of Hon'ble High Court will be imposed from 10.01.2022 to this Court. But nobody appeared on behalf of plaintiff or not filed his reply to present application. This is time being application. Therefore, present application is considered without reply of plaintiff as per order passed on his adjournment application. Admittedly, there is statutory right of defendant to prefer appeal against the order passed by this court. Advocate of defendant has placed the judgment of Hon'ble Apex Court in the case of **Kranti Mohan Guruprasad Mehra and another v/s. Fatehchand Vasuram Behal, AIR 1982 Bombay 263**. It has held that, it is legitimate right of party to prefer appeal against the order. As discussed above, defendant has right to prefer appeal, therefore defendant is seeking to stay for execution of order passed by this Court. Considering above discussions and ratio of Hon'ble Apex Court, the execution of order of injunction vide Exh. 9 passed by this court is stayed for a period of 20 days from today for preferring appeal against the order. The effect of this order will be in existence for only 20 days from today. Further, it is made clear that after completion of 20 days from today, this order will be vacated, automatically without passing any further order. Both parties and their Advocates to take note of this order.

Sd/-

**Mumbai.**

**Date :07.01.2022**

Order dictated on : 07.01.2022

Order transcribed on : 07.01.2022

Order checked and signed on : 07.01.2022

**[M. S. M. Y. Rachbhare]**

**Judge, C.R. No.9**