

ORDER PASSED BELOW EXHIBIT 02 .

1. This application has been filed for grant of stay to effect, implementation, execution and operation of the impugned judgment and decree passed in H.M.P No.21/2022 by the learned Civil Judge (Sr.Dn.), Kelapur, on 23.01.2023.

2. Heard learned Advocate for the Appellant-wife Shri. P. M. Shete and learned Advocate for the Respondent-husband Smt. S.P. Jaiswal. Perused the application, say given today on the overleaf, impugned judgment and decree, memo of appeal and the entire record of appeal.

3. Upon considering rival submissions in the light of material emerged particularly from impugned judgment and decree it appears that the decree for divorce has been granted by the learned Civil Trial Court. The appellant by filing this statutory appeal has challenged the impugned judgment and decree on various ground facts and law this judgment and decree has been challenged by the appellant before this last fact finding court. On behalf of the Appellant it is specifically submitted that she has an apprehension that by taking disadvantage of impugned judgment and decree, the respondent would solemnized the second marriage and in that event grave prejudice and

loss would cause to the Appellant/wife which cannot be compensated in any terms. On this apprehension, Respondent husband has strongly opposed the application thereby contending that Appellant herself filed the divorce petition at Family Court, Nagpur which suggests that the Appellant herself wants divorce from the Respondent. Ld. Advocate for the Appellant submits that this appellant has challenged the impugned judgment and decree which is passed of desertion by this statutory appeal and it needs to be stayed whatever may be status of a lis in the Family Court.

4. The Ld. Advocate for the Appellant also submits that he is ready for expeditious hearing of the appeal after receipt of R. & P from Ld. Civil Trial Court. Also on behalf of Respondent, Ld. Advocate submits that she is also ready for final hearing of the appeal and wants to dispose of the said appeal on merits by advancing final argument without making undue delay. From the record of the appeal, it appears that private paper book has already been filed and received by the respondent and after receipt of R & P the appeal would be ready for final hearing. Considering all attendings facts and circumstances and nature of the decree, it require to be stayed to protect the interest of the appellant in the said appeal. By directing expeditious disposal of the appeal the interest of respondent would also

get protected. Hence, in view of above discussion and all attending facts, the application needs to be allowed on condition of expeditious hearing. As a result the following order;

O R D E R.

1. The application Exh.2 is **allowed**. As a consequence, effect, implementation, execution and operation of the impugned judgment and decree passed by the learned Civil Judge (Sr.Dn.), Kelapur in H.M.P No.21/2022 on 23.01.2023 is hereby stayed till final disposal of the appeal on the condition that after receipt of R & P from the Ld. Civil Court, the Appellant shall argue the appeal expeditiously by not taking undue adjournments on flimsy grounds and respondent shall also co-operate to dispose of the appeal on merits in expeditious manner.

2. Both parties to take note.

(Order dictated and pronounced in open Court today in presence of both learned Advocate for rival parties.)

Date: 05.04.2025
Kelapur

(A.M.Deshmukh)
District Judge-2, Kelapur