

Naade Ali Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jul-24-2012

Appellant : Naade Ali

Respondent : The State of Madhya Pradesh

Advocate for Def. : Shri. K.S.Jha

Advocate for Pet/Ap. : Shri. Sankalp Kochar

Judgement :

FA No.780/11.

24.7.2012 Shri Sankalp Kochar, learned counsel for the appellants.

Shri K.S.Jha, learned counsel for the respondents.

Heard on I.A.No.13680/09, appellants application for grant of stay against operation and execution of the impugned decree as well as of I.A.No.10876/10, respondents application for vacating the interim order granted vide order dated 22.12.2009.

It is noted that on earlier occasion in presence of both the parties, the following interim order was passed.

In the meanwhile, on depositing 50% of the amount of mesne profits along with costs as directed by the trial Court within a period of four weeks from today,

operation of the impugned judgment and decree shall remain stayed against the appellants till next date of hearing, failing which this order shall come to an end without further reference to the Bench. Having heard the counsel perused the record along with the I.A.No.13680/09, in the available factual matrix of the case subject to depositing the 50% of the recurring monthly mesne profit of the disputed property as held by the trial Court, the aforesaid interim order passed on dated 22.12.2009, is hereby continued till disposal of this appeal.

It is made clear that in compliance of this direction, the appellants has to deposit the arrears of 50% sum for the period between sum deposited in compliance of the order dated 22.12.2009 till June, 2012 within 60 days and recurring monthly rent shall be deposited within 15 days with the trial Court from the end of every Gregorian calendar month.

The trial Court is directed to deposit the aforesaid sum in some nationalized Bank under some fixed deposit scheme on every interval of 6 months with stipulation of its periodically revival until further order of this Court as such amount be not disbursed to the respondents unless the order of this Court.

In view of the aforesaid direction, the respondents application I.A.No.10876/10, does not require any further consideration hence, the same is hereby disposed of.

It being an admitted appeal, be listed for final hearing in due course.

Certified copy as per rules.

(U.C.Maheshwari) Judge Pb

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