

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.125 OF 2015
IN
SECOND APPEAL NO.62 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.N.P.Shimpi for the applicant

Mr.C.G.Gavnekar for the respondent nos.1 and 2

CORAM : K.K.TATED, J.
DATED : 07/09/2015

PC:

1 Heard the learned counsel for the parties.

2 This application is preferred by defendant for stay of the operation and implementation of the judgment and decree passed by the courts below and also restraining the respondent plaintiff from disturbing his possession in respect of the suit property bearing CTS No.656 admeasuring 21.1 sq.mts. situated in area Nayapura, Malegaon, Dist.Nashik during the pendency of the present Second Appeal.

3 By consent of both the parties, following order is passed:

(A) Civil Application is made absolute in terms of prayer clause (a) and (b) which reads thus:

“(a) Stay effect, operation, execution and/or implementation of the impugned Judgment and Order dated 09.10.2014 passed by the Learned Ad-hoc District Judge-I, Malegaon, Dist.Nashik, in Regular Civil Appeal No.160 of 2012 as well as the impugned the Judgment and Decree dated 09.07.2012 passed by the Learned Jt. Civil Judge, Senior Division, Malegaon, in Regular Civil Suit No.177 of 2012 (Old Sp.C.S.NO.45/08), pending hearing and final disposal of present Appeal;

(b) Restrain the Respondents from interfering by any means with the possession of the Applicant in the House Property CTS No.656 admeasuring 21.1 sq.mtrs. within the boundaries specified in plaint of Regular Civil Suit No.177/2012 in para no.1 located in area Nayapura, Malegaon, Dist.Nashik, pending hearing and final disposal of this Appeal.”

(B) Applicant defendant is restrained by an

order of injunction from creating any third party right, title and interest in respect of the suit property till the hearing and final disposal of the Second Appeal.

(C) Civil application stands disposed off accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.