

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 197 OF 2015
(FOR STAY)

IN

SECOND APPEAL NO. 507 OF 1997

1. Mr. Bhalchandra Sadashiv Mokashi
since deceased through his legal heirs
and representatives and Ors.

.....Applicants

: V/S :

1. Dattatraya Sadashiv Mokashi
since deceased through his legal heirs
and representatives and Ors.

.....Respondents

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Mr. S.R. Page, Advocate for the applicants.

Mr. Prathamesh Bhargude, h/f. Mr. S.B. Deshmukh, Advocate for
respondents no.1A to 1D.

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Coram :- Smt. R.P. SondurBaldota, J.

9th February, 2015.

P.C. :-

1). This Civil Application for interim reliefs was necessitated because when the Second Appeal was restored to file on 24th October, 2007 no specific order was passed for reviving of the interim reliefs granted earlier. Mr. Page, learned Advocate appearing for the applicants states that, the respondents have taken out execution proceedings and

the executing Court in the absence of specific order of stay, is proceeding with the execution application. Considering the facts of the case, the Civil Application is allowed in terms of prayer clause (c). It is further clarified that, the executing Court can proceed with the formalities of the execution but not handover possession of the properties in implementation of the decree.

(SMT. R.P. SONDURBALDOTA, J)