

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 828 OF 2012
IN
SECOND APPEAL NO. 430 OF 2012**

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. Ajay S.Patil, Advocate for Applicants.
Mr. P.N.Joshi, Advocate for Respondent no.1.

CORAM : R.G.KETKAR,J.

DATE : 27/03/2015

PC:

1. Heard Mr. Ajay Patil, learned counsel for the applicants and Mr.P.N.Joshi, learned counsel for the respondent no.1.

2. This is an application for stay of the Judgment and decree dated 24.1.2012 passed by the learned Adhoc District Judge-3, Malegaon, District Nashik in Regular Civil Appeal No.51 of 2003.

3. Mr. Patil submitted that the respondents instituted suit for declaration of ownership and for permanent injunction restraining the applicants from disturbing their peaceful

possession and in the alternative for recovery of possession. He submitted that the trial Court dismissed the suit. Appeal Court allowed the Appeal and directed the applicants to hand over possession. He submitted that after hearing both sides, Second Appeal was admitted on 1.7.2013 on the grounds set out in that order. On the same day, in the application notice was issued to the respondents and in the meantime ad-interim relief in terms of prayer clause (b) was granted. Mr. Patil states that the applicants are in possession. They have neither created third party interest nor parted with possession.

4. In view thereof, subject to the applicants neither creating third party interest nor parting with possession of the properties in dispute, there shall be interim order in terms of prayer clause (b). Civil Application is disposed of. Costs in cause.

(R.G.KETKAR, J.)