

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.724 OF 2015

IN

SECOND APPEAL NO.72 OF 1999

(Sanjay Gopichand Kalbhor and ors. Vs. Mehboob Abbas Inamdar (decd) thru heirs and ors.)

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. P. B. Shah for Applicants.

Mr. Mohan B. Jadhav with Mr. Tejas Kapre for Respondents No.1A to 1F.

CORAM : R. G. KETKAR, J.**DATE : 27TH APRIL, 2015****P.C.:**

Not on Board. At the request, Mr. Shah, taken up in the production Board.

2. Heard Mr. Shah, learned Counsel for applicants and Mr. Jadhav, learned Counsel for respondents No.1A to 1F.

3. This is an application for stay of the judgment and decree dated 18.12.1998 passed by the learned District Judge in Civil Appeal No.399 of 1992.

4. In support of this Application, Mr. Shah submitted that respondent No.1 - Mohammad Abbas Inamdar, since deceased, had instituted Suit for redemption of mortgage with possession of the suit lands, and in the alternate, for specific performance of agreements of sale dated 17.12.1970

and 11.01.1971. The learned trial Judge dismissed the Suit. The learned District Judge reversed that decree, decreed the Suit and directed defendant No.1 to execute the sale deed subject to conditions stipulated therein. He further submitted that on 19.02.1999, Second Appeal was admitted on grounds No.1 and 2 as they are the substantial questions of law. He, therefore, submitted that the relief in terms of prayer clause (a) deserves to be granted, failing which, Appeal will be infructuous.

5. On the other hand, Mr. Jadhav opposes the prayer on the ground that though Appeal is of 1999, till date, appellants have not filed private paper-book. Mr. Shah assures that on or before 15.06.2015, appellants will file private paper-book and serve copy in advance on the other side.

6. In view thereof, Civil Application is allowed in terms of prayer clause (a). Costs in cause. Appellants will file private paper-book on or before 15.06.2015 and serve copy thereof in advance on the other side.

(R. G. KETKAR, J.)