

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

**CIVIL APPLICATION NO.2043 OF 2013
IN
FIRST APPEAL NO.1894 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Ms.Prabha Badadare for the applicant

Mr.Krishna R. Singh for the respondent no.1

Mr.A.R.Patil, A.G.P. for the State

CORAM : K.K.TATED, J.
DATED : 11/03/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by defendant no.3 for stay of the operation and implementation of the judgment and decree dt.1.3.2013 passed by City Civil Court at Bombay in S.C.Suit No.4354 of 2006.
- 3 The learned counsel for the applicant submits that this court (Coram: R.D.Dhanuka, J.) by order dated 27.8.2014 granted ad interim relief in terms of prayer clause (b).
- 4 The learned counsel for the respondent no.1 original plaintiff submits that they have no objection if ad interim relief is continued till the

hearing and final disposal of the First Appeal.

5 Considering the submissions made by the learned counsel for the applicant, the averments made in Civil Application and as no objection is given by advocate for respondents original plaintiffs, following order is passed:

(A) Civil Application is allowed in terms of prayer clause (b) which reads thus:

“(b) During the pendency and final disposal of the First Appeal, impugned Judgment and Decree dated 01.03.2013 passed by Ld.City Civil Court, Bombay in S.C.Suit No.4354 of 2006 be stayed.”

(B) During the pendency of the present First Appeal, applicant is restrained by an order of injunction from creating any third party right in respect of the suit premises i.e. Room No.5 admeasuring 120 sq.ft situated at ground floor, B.D.D.Chawl No.3, N.M.Joshi Marg, Delile Road, Mumbai.

(C) Civil Application disposed of accordingly.

(K.K.TATED, J.)