

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO.216 OF 2014  
IN  
SECOND APPEAL NO.127 OF 2014

Punamchand Gattechand Gandhi (Dead) Thr. Lrs.

-VS-

Dilip s/o Damodhar Popat & Ors.

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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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Shri S. V. Deopujari, Advocate for appellants.  
Shri M. P. Kariya, Advocate for respondent No.1.

**CORAM : A.S.CHANDURKAR J.**

**DATE : FEBRUARY 27, 2015.**

Prayer is to grant stay to the decree for possession passed by the trial Court as affirmed by the first appellate Court. As per the said decree, the present appellants have been directed to hand over possession of the suit plot to the plaintiff. It is stated that appellants are in possession of the suit plot.

The application is opposed by the respondent No.1 on the ground that both the Courts have concurrently held in favour of the original plaintiff. It is submitted that the plaintiff is litigating since long.

Considering the nature of decree and the fact that appellants are in possession, during pendency of the Second Appeal, the decree passed by the trial Court as affirmed by the first appellate Court shall remain stayed. However, appellants shall not alienate or create any third party rights in the suit property nor shall they change the nature of the suit plot.

C.A. is allowed in aforesaid terms.

**JUDGE**