

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO. 106 OF 2015
IN
SECOND APPEAL NO. 118 OF 2013

Keshav @ Nanaji Rangnath Eratwar & Ors. Vs. Dattu @ Dattatraya Rangnath Eratwar

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

Court's or Judge's Order

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Shri D. G. Patil Adv for applicant.
Shri B. N. Mohta Adv for non applicants.

CORAM: A. S. CHANDURKAR J.

DATED: FEBRUARY 17, 2015.

Prayer is to modify the interim order dated 15.01.2015 that was passed in Civil Application No. 253 of 2013. It is submitted that the property at Sr. No.'c' that is Survey No. 158 stands exclusively in the name of respondent and hence said property should be excluded from the order of stay granted by this Court on 15.01.2015. It is submitted that as the sale deed is in the name of respondent decree to that effect could not be stayed.

The application is opposed by the original appellants on the ground that stay was granted in respect of those properties that were in individual names and the same was refused in so far properties which were in joint names.

Considering the reasons that are assigned in the order dated 15.01.2015 while granting stay, it is clear that stay has been refused only

in respect of those properties which are in joint names. As admittedly the property bearing survey no. 158 stands in the name of the respondent decree in that regard has been stayed. Hence there is no case made out to modify the order date 15.01.2015. Civil Application stands disposed of.

JUDGE

svk