

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

CIVIL APPLICATON NO.461 OF 2013
IN
SECOND APPEAL NO.229 OF 2013

Bhimrao S/o Domaji Tarke (Dead) Thr. His Legal Heirs
Vs.
Shriram s/o Langdaji Tarke

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

Court's or Judge's Order

Shri V. T. Deshpande, Adv for appellants.

CORAM: A. S. CHANDURKAR J.

DATED: JANUARY 13, 2015.

This application has been moved by the appellants praying for stay to the effect and operation of the decree passed by the first appellate Court. By the said decree, the appellants have been restrained from using the eastern side south-north boundary of the respondent's field Survey No.315 as approach way to their field.

It is submitted that during pendency of the suit, though an order of temporary injunction was granted by the trial Court, the misc. appeal filed by the present appellants came to allowed. Since 26/10/2004, order of injunction is not operating in favour of the respondent. It is further submitted that this Court had granted *ad interim* stay on 18/03/2014 which continues to operate.

Though time was granted to the respondent to file reply, no reply has been filed. There is no appearance to oppose the

prayer as made. In view of aforesaid, the decree passed by the first appellate Court is stayed during the pendency of the second appeal. However, appellants to ensure that no loss is caused to the respondent by use of said way.

C.A. is allowed and disposed of.

JUDGE

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