

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

CIVIL APPLICATION NO.444 OF 2012
IN
SECOND APPEAL (ST) NO.6581 OF 2012

Sukhdev S/o Namdev Raut & Ors.

Vs.

Shriram Namdev Patil & Ors.

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

Court's or Judge's Order

.....
Shri N. B. Kalwaghe, Advocate for the appellants.
Shri R. G. Kavimandan, Advocate for
respondent.

CORAM: A. S. CHANDURKAR J.

DATED: JANUARY 16, 2015.

Prayer is to stay effect and operation of decree
passed by the appellate Court.

According to the applicants who are the original
defendants, the trial Court has passed decree for
possession in respect of 1R land from Gut No.361. In the
appeal filed by the defendants, the decree passed by the
trial Court was modified and after declaring the plaintiff to
be the owner of the suit property, the defendants were
restrained from interfering with the plaintiff's possession.
It is submitted that this modification of the decree was in
absence of any cross objection or counter-claim. It is
further submitted that the defendants are in possession of

the land owned by them.

There is no reply filed opposing said application though time was granted on 26/11/2014. This Court on 26/11/2014 had granted *ad interim* stay to aforesaid decree. Considering the extent of land in dispute which is 1R land from Gut No.361, the decree passed by the first appellate Court shall be stayed during the pendency of the Second Appeal. However, the appellants shall not alienate or change the nature of the suit property.

Civil Application is allowed and disposed of.

Civil Application No.95 of 2014

To be considered at the stage of hearing of the Second Appeal.

JUDGE

asmita