

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

CIVIL APPLICATION (CAS) NO.989 OF 2013

M. IN

SECOND APPEAL NO.373 OF 2013

Sau. Kalpana w/o Jaikrishna Khangai

-vs-

Ganesh s/o Laxman Nimkar

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

Court's or Judge's Orders.

Shri A. P. Tathod, Advocate for appellant.

Shri A. R. Chavan, Advocate for respondent

CORAM : A.S.CHANDURKAR J.

DATE : FEBRUARY 16, 2015.

Prayer is to grant stay to the effect and operation of the decree passed by the first appellate Court. It is submitted that the appellant, during the pendency of the appeal before the first appellate Court has alienated the suit property on 07/07/2006.

The learned counsel for the respondent submits that entire balance consideration has been deposited in terms of decree passed by the first appellate Court.

As the Second Appeal has been admitted, the decree passed by the first appellate Court shall remain stayed. It is open for the respondent to withdraw the amount of balance consideration deposited by him in the trial Court without prejudice to his rights and contentions in the Second Appeal.

C.A. stands disposed of in aforesaid terms.

JUDGE