

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1793 OF 2015
IN
FIRST APPEAL NO.597 OF 2015**

The Municipal Corporation for city of Pune ... Applicant

Versus

Shri Kanhaiyalal Motilal Talera & Anr. ... Respondents

Mr. Rajdeep Suresh Khadapkar for the Applicant.
Ms. Pooja Badekar i/by Mr. Madhav J. Jamdar for the Respondent No.1.

**CORAM : A.S. OKA &
A.M. THIPSAY, JJ.**

DATE : 22nd JANUARY, 2016

P.C.

1. Heard the learned counsel appearing for the Applicant and the learned counsel appearing for the first Respondent. The learned counsel for the first Respondent seeks time. By ad-interim order, decree of possession passed by the trial Court against the Applicant – Pune Municipal Corporation has been stayed. As the First Appeal is admitted, the execution of the decree for possession will have to be stayed.

2. Accordingly, ad-interim relief granted on 20th July, 2015 will continue to operate as interim relief subject to condition that

Applicant will maintain status-quo in all respects as of today in respect of the suit property. We make it clear that it will be the responsibility of the Applicant to ensure that the suit property is not encroached upon. If it is found that the Applicant has not taken suitable measures for protecting the property from encroachment, it will be open for the first Respondent to apply for vacating the interim relief.

3. Civil Application is accordingly disposed of.

(A.M. THIPSAY, J)

(A.S. OKA, J)