

Rane

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(sr. no.3)

Wednesday, 27/4/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 3 OF 2014

The State of Maharashtra

.....Appellant
(Orig. Defendant)

V/S.

Smt. Leela Vaju Rabari
(Since deceased through her legal heirs
1. Shri. Ramesh Vaju Rabari

.....Respondent
(Orig. Plaintiff)

* * * * *

Mr. A.R. Patil, AGP for the appellant.

Mr. G.S. Godbole i/by. Mr. Rahul S. Kulkarni, Advocate for respondent
no.1.

Coram :- Smt. R.P. SondurBaldota, J.

27th April, 2016.

P.C. :-

1). Admit.

(SMT. R.P. SONDURBALDOTA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3327 OF 2013
(FOR STAY)
IN
FIRST APPEAL NO. 3 OF 2014

The State of Maharashtra

.....Appellant
(Orig. Defendant)

V/S.

Smt. Leela Vaju Rabari
(Since deceased through her legal heirs
1. Shri. Ramesh Vaju Rabari

.....Respondent
(Orig. Plaintiff)

* * * * *

Mr. A.R. Patil, AGP for the applicant.

Mr. G.S. Godbole i/by. Mr. Rahul S. Kulkarni, Advocate for respondent
no.1.

Coram :- Smt. R.P. SondurBaldota, J.

27th April, 2016.

P.C. :-

1). This Civil Application by the State is for stay of the execution and implementation of the impugned decree. The impugned decree consists of declaration of title of the respondent to the suit property by adverse possession and for permanent injunction to restrain the appellant from disturbing his possession of the property. The prayer in the Civil Application is clearly misconceived. There cannot be stay of declaratory decree. The only interim relief that can be sought in such circumstances

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is of staying the effect of the declaratory decree. In view of admission of the appeal, the Civil Application is disposed off with an interim order restraining the respondent from parting with possession of the suit property in any manner and/or creating any third party rights in respect thereof during the pendency of the First Appeal. At the request of Mr. Godbole, learned Advocate appearing for respondent no.1 it is clarified that, the respondent may recover rent from his tenants on the suit land.

(SMT. R.P. SONDURBALDOTA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 917 OF 2016
IN
FIRST APPEAL NO. 3 OF 2014

1. Mahanagar Gas Limited

.....Applicant

IN THE MATTER BETWEEN :-

The State of Maharashtra

.....Appellant
(Orig. Defendant)

V/S.

Smt. Leela Vaju Rabari
(Since deceased through her legal heirs
1. Shri. Ramesh Vaju Rabari

.....Respondent
(Orig. Plaintiff)

AND

Mahanagar Gas Limited

.....Applicants
(Intervenors)

* * * * *

Mr. G.S. Hegde, Advocate for the applicant, intervenor.

Mr. G.S. Godbole i/by. Mr. Rahul S. Kulkarni, Advocate for respondent no.1.

Coram :- Smt. R.P. SondurBaldota, J.

27th April, 2016.

P.C. :-

1). Adjourned to 4th May, 2016.

(SMT. R.P. SONDURBALDOTA, J)