

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1567 OF 2015  
IN  
APPEAL FROM ORDER NO.1240 OF 2015**

**Mr. Shambhunath Shrikrishna Mishra .. Applicant/Appellant**

**Versus**

**Mr. Vijayshankar Shrikrishna Mishra .. Respondent**

**Mr. O. P. Tiwari for the Applicant/Appellant.**

**Mr. D. K. Pandey for the Respondent.**

**CORAM : R.M. SAVANT, J.**

**DATE : 21<sup>st</sup> JUNE 2016**

**PC.**

1. The above Civil Application has been filed for interim stay pending the above Appeal from Order. The above Appeal from Order has been admitted by a Learned Single Judge of this Court on 15.02.2016. In paragraph 3 of the said order, the Learned Judge has referred to the affidavit in reply filed by the Respondent and more particularly paragraph 30 thereof, wherein it is stated on behalf of the Respondent that the Plaintiff is wrongly staying in the suit premises. The Learned Judge has also granted ad-interim reliefs in the above Civil Application. In my view, in the light of the recording made by the Learned Judge in paragraph 3 of

the said order, the ad-interim relief granted in the above Civil Application is required to be confirmed and is accordingly confirmed. It is made clear that pending the hearing and disposal of the above Appeal from Order, the Respondent shall not disturb the possession of the Plaintiff and shall also not create third party rights in respect of the suit property. The Applicant/ Appellant shall also not create third party rights and deal with the property in any manner whatsoever pending the Appeal. With the aforesaid directions, the Civil Application is disposed of. It is made clear that the pendency of the above Appeal from Order would not be an impediment for the Trial Court to proceed with the suit in question.

**[R.M. SAVANT, J]**