

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 76 OF 2015
IN
SECOND APPEAL NO. 35 OF 2015

Ramrao M.Chavan & Anr.

..... Applicants

VERSUS

R.Sukumaran Nair & Anr.

..... Respondents

Mr.R.S.Ghadge, i/b. Mr.A.S.Desai for the Applicants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 30th SEPTEMBER, 2016

P.C.

Learned counsel appearing for the applicants states that the respondents have been served. None appeared for the respondents. No affidavit in reply is filed. By this civil application, the applicants seek stay of the implementation of the judgment and decree dated 17th July, 2014 passed by the learned District Judge in Civil Appeal No.642 of 2012.

2. By a separate order passed by this court in second appeal, the second appeal is already admitted by an order dated 7th April, 2016 on the substantial questions of law formulated by this court. The applicant has impugned the judgment and decree dated 17th July, 2014 passed by the learned District Judge -03, Pune allowing Civil Appeal No. 642 of 2012 filed by the respondents.

3. I have heard the learned counsel for the applicants and I have perused the averments made in the civil application. My attention is also invited to the reasons

recorded by the learned District Judge in the impugned judgment and decree dated 17th July, 2014. In my view, the applicants have made out a case for staying the operation of the impugned judgment and decree dated 17th July, 2014.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (a) of the civil application. No order as to costs.

[R.D. DHANUKA, J.]