

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

***CIVIL APPLICATION NO. 1724 OF 2015
IN
SECOND APPEAL NO. 57 OF 2005***

Madivallappa Mallappa Khyade
(since deceased, through heirs)

1 a. Mallappa Madivallappa Khyade & ors. ... Applicants
v/s

Shankarappa Mallappa Khyade
(since deceased, through heirs)

1 a. Smt.Sidhava shankarappa Khyade & ors. ... Respondents

Mr.S.G.Kudle for the applicants/appellants.

Mr.Surel Shah for Respondent Nos.1 A to 1 C and 2.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

Learned counsel for the Applicants states that the authorities are not taking into account the order dated 26 August 2005 and are insisting that the order dated 26 August 2005 is not continued.

2 By an order dated 26 August 2005, while admitting the appeal, this Court has stated that there is no temporary injunction pending the appeal and parties were directed to maintain status-quo as regard

the suit property. Nothing is shown that this order has been varied, modified or vacated. Learned counsel for the Respondents also accepts this position. Since the order dated 26 August 2005 is continued till date and is continuing, the apprehension expressed by the learned counsel for the Applicants is not warranted.

3 The civil application is accordingly disposed of.

4 Place the second appeal on board, which is of the year 2005, for final hearing as per its turn and categorization.

(N. M. Jamdar, J.)