

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1658 OF 2016
IN
SECOND APPEAL NO. 843 OF 2016

Govind Balu Patil & Ors.

..... Applicants

VERSUS

Gulab Govind Patil

..... Respondent

Mr.P.S.Dani, Senior Advocate, a/w. Mr.Vanchan Bodake, Ms.Madhu Hisar, i/b. Chitnis Vaity & Co. for the Applicants.

Mr.C.G.Gavnekar for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 20th DECEMBER, 2016

P.C.

Rule. Learned counsel appearing for the respondent waives service.

2. By a separate order passed by this court in Second Appeal No.843 of 2016, second appeal is admitted on the substantial questions of law formulated by this court.

3. Heard learned counsel appearing for the parties. For the reasons recorded in the civil application, I am of the view that the execution of the decree may be proceeded with, however, possession of the property shall not be taken from the applicants. It is ordered accordingly.

4. The applicants are directed not to create any third party rights in respect of the suit property and shall not part with possession in respect thereof during the pendency of the second appeal.

5. Civil application is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)