

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

***CIVIL APPLICATION NO.300 OF 2012
IN
SECOND APPEAL NO.168 OF 2012***

Sudesh Jayram Raut .. Applicant
Vs.
Prabhakar Vishnu Patil & Ors. .. Respondents

Mr.S.A.Sawant for applicant.
None for respondents.

***CORAM : R.D. DHANUKA, J.
DATE : 23rd September 2016***

P.C.

. By this civil application, the applicant (original plaintiff) seeks stay of the execution, operation and implementation of the impugned order and injunction order against the respondents restraining the respondents from disturbing the peaceful possession of the suit property of the plaintiffs.

2. Trial Court had decreed the suit for specific performance of an agreement for sale. Appellate Court has reversed the decree passed by the trial Court. Both the Courts, however, have rendered a finding that the applicant had entered into the disputed premises as a tenant. By a separate order passed by this Court on 6th December 2013, this Court has admitted the second appeal on the substantial questions of law formulated by this Court. No affidavit-in-reply is filed. None appears for the respondents when the matter was called out. Since the second appeal has

already been admitted and since the possession of the suit property is with the applicant, the applicant has made out a case for reliefs in terms of prayer clause (a-2) of the civil application. It is ordered accordingly. No order as to costs.

R.D. DHANUKA, J.