

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.127 OF 2014
IN
SECOND APPEAL NO.58 OF 2014

Dilip Balwantrao Deshpande
-vs-
Sanjay Vinayakrao Deshmukh

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. L. Khapre, Advocate for appellant/applicant.
Shri K. V. Deshmukh, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : April 25, 2016

By this application, the appellant seeks stay of the decree passed by the trial Court directing the defendant to remove the constructed portion as shown in the map at Exhibit-29. It is submitted that this Court had granted ad interim relief staying such removal on 29/04/2014 and the ad interim stay continues to operate.

The application is opposed by the learned counsel for the respondent on the ground that both the Courts after considering the evidence on record have held in favour of the original plaintiff.

Considering the nature of decree passed by the trial Court which requires the defendant to remove the construction and as the appeal has been admitted, the ad interim stay which was granted on 29/04/2014 shall continue to operate as interim stay during pendency of the appeal. Civil application is disposed of.

JUDGE