

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

CIVIL APPLICATION NO. 2 OF 2010
IN
SECOND APPEAL NO.7 OF 2010

Bandu s/o Bhusaram Pandharmise and ors.

-vs-

Bayanabai wd/o Ganpatrao Totewar and ors.

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

Court's or Judge's Orders.

Shri M. I. Dhatrak, Advocate for applicants/appellants.
Shri A. M. Quazi, Advocate for respondent No.1(C)

CORAM : A.S.CHANDURKAR, J.
DATE : April 12, 2016

This application has been moved by the appellant who is the original plaintiff praying that the non-applicants be restrained from taking forcible possession of the suit property during pendency of the appeal.

The suit for specific performance filed by the appellant has been dismissed and the counter claim filed by the defendants has been allowed. By directing the defendants to repay the amount of Rs.20,000/- with interest to the plaintiff, the possession has been directed to be delivered to the defendants. This decree has been confirmed by the Appellate Court.

In paragraph 26 of the judgment of the Trial Court, a finding is recorded that the appellant is in possession of the suit property. As the appeal has been admitted, the possession of the appellant would have to be protected. Hence, the application is allowed in terms of prayer clause-1.

Civil application is disposed of.

JUDGE