

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (S) NO.1170 OF 2014
IN
SECOND APPEAL NO.445 OF 2014

SUKHDEO S/O RUSHI DIWATE
VS
NAGAR PARISHAD, MUL AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. A. Marathe, Advocate for the applicant.
Ms. M. A. Deshkar, Advocate holding for Shri S. P.Bhandarkar, Advocate
for respondent No.2.

CORAM : A.S. CHANDURKAR, J.

DATED : APRIL 16, 2016.

The applicant seeks stay of the decree passed by the trial Court whereby the counter claim filed by the defendant No.2 has been allowed and by an order of mandatory injunction, the applicant has been directed to deliver vacant possession of the property in question.

It is submitted on behalf of the applicant that the construction in question is in existence since the year 1984. As the appeal has been admitted it is prayed that said decree be stayed during pendency of the appeal.

Reply has been filed on behalf of the non-applicant No.2 opposing the said prayer. It is stated that the trial Court after considering the entire evidence has decreed the counter claim.

Considering the nature of decree passed by the trial Court and the fact that the appeal has been admitted, it would be necessary to stay the effect and operation of the decree passed in the counter claim. Hence, the application is

allowed in terms of prayer clause (i).

Application is disposed of.

JUDGE

/MULEY/