

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CIVIL APPLICATION NO. 10454/2017 IN FA/3061/2017

**SUNIL MOTILAL KULTHE
VERSUS
MANISH SESHMAL BHANDARI AND ANR**

Advocate for Applicant : Mr. R. R. Mantri h/f Mr. R.R. Sancheti
(caveat Attached In FA)

Advocate for respondent : Mr. N.V. Gaware

WITH

CIVIL APPLICATION NO.7567/2017 IN FA/1666/2017

PRADIP MOTILAL KULTHE

VS.

MANISH SHESHMAL BHANDARI & ANOTHER

Advocate for applicant : Mr. S.R. Choukidar

Advocate for respondent :- Mr. N. V. Gaware,

**CORAM : R.D. DHANUKA &
SUNIL K. KOTWAL,JJ.**

DATED : 28-09-2017.

PER COURT :-

Heard learned counsel appearing for the parties.

2. Respondent waive the service.

3. By A separate order, both the First Appeals filed by the appellants are already admitted.
4. The impugned order and decree dated 1st April 2017 passed by the Trial Court is stayed. The applicant in both the civil applications and the respondent shall not create any third party right and shall also not create any encumbrance on the suit property during the pendency of the First Appeal. The applicant who claimed to be in possession of the suit property shall not part with possession in respect of the suit property during the pendency of the appeal.
5. The Trial Court before whom the respondents have deposited various amount pursuant to the decree passed by the learned Trial Court and during pendency of the suit shall invest the amount so deposited by the respondents (original plaintiffs) in the Fixed Deposit of the Nationalized Bank initially for a period of two years and shall continue such deposit till disposal of the first appeals.
6. Civil Application are disposed of in aforesaid terms.
7. No order as to costs.

(SUNIL K. KOTWAL)

JUDGE

(R.D. DHANUKA)

JUDGE