

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4406 OF 2016

IN

FIRST APPEAL NO.13 OF 2014

Bhagwat Kachuru Bansode ...Applicant/Ori. Respondent

In the matter between:

Mr. Prakash Sharman Vanjara And Anr....Respondents/Ori. Appellants

vs.

Bhagwat Kachuru Bansode ...Respondent

....

Mr. G.V. Pandya, for the Applicant.

Mr. Rajendra R. Mishra, for the Respondent/Original Appellant.

.....

CORAM : S.C. GUPTE, J.

DATED : 10 APRIL 2017

P.C. :

. Heard learned Counsel for the parties.

2. This Civil Application seeks an order for payment of compensation to the successful decree holder, who is the Respondent in the present First Appeal. The subject matter of controversy between the parties is of specific performance of an agreement for sale. The impugned decree of the Trial Court grants such specific performance and orders possession of the property in favour of the Respondents. The First Appeal has been admitted on 24 February 2014 and the impugned decree is stayed. On these facts, I am not inclined to consider the prayer

for any interim order of compensation on the part of the Respondents. Learned Counsel for the Respondents, in the alternative, prays for fixing of an earlier date of hearing of the First Appeal. A same prayer was made in an earlier application, namely, Civil Application No.3315 of 2014. This Court, in its order dated 26 June 2015, expedited the hearing of the First Appeal and directed placing of the matter on the weekly board for final hearing if the paper book was filed within four weeks. The paper book has since been filed by the Respondents.

3. In the premises, the First Appeal shall be placed on board after the ensuing summer vacation, in the week commencing from 3 July 2017. Civil Application No.4406 of 2017 is disposed of accordingly.

(S.C. GUPTE, J.)