

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.193 OF 2017
IN
FIRST APPEAL NO.1156 OF 2014
WITH
CIVIL APPLICATION NO.2391 OF 2014
IN
FIRST APPEAL NO.1156 OF 2014**

Mrs.Asha Prabhakar Jadhav & Ors. ..Applicants/Appellants
V/s.
Mr.Shrikant Sitaram Jadhav & Anr. ..Respondents

**WITH
CIVIL APPLICATION NO.2998 OF 2015
IN
FIRST APPEAL NO.1156 OF 2014
WITH
CIVIL APPLICATION NO.4141 OF 2015
IN
FIRST APPEAL NO.1156 OF 2014**

Mr.Shrikant Sitaram Jadhav ..Applicant/Appellant

IN THE MATTER BETWEEN

Smt.Asha Prabhakar Jadhav & Ors. ..Appellants
V/s.
Mr.Shrikant Sitaram Jadhav & Ant. ..Respondents

Mr.A.P. Khanduri for the Applicants.
Mr.J.S. Kini i/by Mr.Suresh Dueby for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 14 FEBRUARY 2017.

P.C.

1. This Court by its order dated 30 November 2016 has granted the applicant the following liberty in terms of paragraph no.5 which reads thus:-

“5. Considering the nature of the above submissions, which would require fact finding before the appropriate executing Court, it would be appropriate and in the interest of justice that the applicants/appellants are permitted to file an application before the Executing Court seeking restoration of possession of the area the applicant claims to be in excess of the suit premises.”

2. In order to avail of the said liberty, applicant, by this Civil Application, seeks the following relief in terms of prayer clause (a).

“a) Hon'ble Court be pleased to direct the Registry of this Court to send the entire Record and Proceedings of the Execution Application No.184 of 2014 to Hon'ble City Civil Court for temporary period till the Proposed Application of the Applicants for restoration of non-suit premises is heard and disposed off by the Executing Court.”

3. Now that the applicant has been granted liberty in the aforesaid terms, it is appropriate that the applicant is further

granted relief in terms of prayer clause (a). The Civil Application is accordingly therefore allowed in terms of prayer clause (a). The applicants states that the application in terms of the liberty granted will be made within a period of two weeks from today. Such application may be disposed of by the executing Court within a period of four months from the date the same is made.

4. The Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)