

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

**CIVIL APPLICATION NO.2200 OF 2017
IN
FIRST APPEAL NO.687 OF 2017**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr.Vishwajit Sawant a/w. Shradha Achaliya, Advocate i/b. ALMT Legal for the applicants. Mr.Suresh M. Sabrad, Advocate for Respondent No.1. Ms. Pooja V. Thorat a/w. Anukul B. Seth, Advocate for Respondent No.2. CORAM : NARESH H. PATIL & R. G. KETKAR, JJ. DATE : 04/12/2017

P.C.:

1. The learned Counsel appearing for respondent No.2 submits that a Suit filed by the present applicants Brijbhushan Gupta and Smt.Minal Gupta being Special Civil Suit No.565/2011 is pending on the file of Civil Judge, Senior Division, Panvel in respect of the same subject property. Respondents No.1 and 2 herein are the defendants in the said Suit. The Counsel has tendered affidavit-in-reply on behalf of respondent No.2, which is taken on

record.

2. On instructions, the Counsel appearing for respondent No.2 states that pending hearing and final disposal of Special Civil Suit No.565/2011, respondent No.2 herein shall not execute the judgment and decree passed in Special Civil Suit No.212/2013, which is impugned herein. We accept the statements made by Counsel for respondent No.2.

3. On the statements made by learned Counsel for respondent No.2, Civil Application is disposed of with liberty to the applicants to apply in case occasion arises.

(R. G. KETKAR, J.)

(NARESH H. PATIL, J.)