

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1621 OF 2016
WITH
CIVIL APPLICATION NO.1622 OF 2016
IN
REJECTED CASE NO.802 OF 2017

Kisturam Udaram Chaudhari	...Applicant
<i>Versus</i>	
Malti Maruti Kanaskar & Ors	...Respondents

Mr SG Kudle, for the Applicant.
Mr HR Pawar, for Respondent No.1.

CORAM: G.S. PATEL, J
DATED: 13th June 2017

PC:-

CIVIL APPLICATION NO.1621 OF 2016

1. The Appellant filed a Civil Application for condonation of delay in filing the First Appeal. The Civil Application was dismissed by an order dated 27th April 2016. A Review Petition came to be filed. That too was dismissed. On 7th February 2017 the Appellant

moved the Supreme Court. It condoned the delay — of only about 49 days — and remanded the First Appeal to this Court for decision on merits. This is how the First Appeal comes to be listed today. The Civil Application is disposed of.

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2. The Appeal is restored to file.
3. By the Judgment under Appeal dated 27th January 2016, the learned Judge of the City Civil Court, Dindoshi partly decreed the Suit against the Appellant and *inter alia* directed the Appellant to deliver possession of the suit premises.
4. Admit. Call for the R&P. First appeal to be numbered. The 1st Respondent waives service. Issue notice to the other Respondents. Hamdast permitted.

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5. This is the Appellant's Application for stay of the operation of the impugned judgment and order.
6. The 1st Respondent is represented. Respondents Nos.2 to 5 are not served.
7. Rule, returnable on 17th July 2017.

8. In the meantime there will be an ad-interim injunction operative till 21st July 2017 in the terms of prayer clause 3(a) of the Civil Application. In addition to service through Court, private service is permitted.

(G. S. PATEL, J.)