

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO.28215 OF 2017
IN

SECOND APPEAL NO.125 OF 2017

Smt. Leena Suresh Sawant

...Applicant

Versus

Shri. Subodh Prabhakar Nagwekar &
Ors.

...Respondents

Mr. Vishal Kanade with Mr. Kirit J. Hakani for the Applicant.

Mr. Rakesh Bhatkar for the Respondent No.1.

CORAM : A. A. SAYED, J.

DATE : 27 NOVEMBER, 2017

P. C.:

1. By this Civil Application the Applicant/Orig. Defendant
No.5 has sought the following reliefs:

“(a) That this Hon'ble Court may be pleased to restore the above Second Appeal (Stamp) No.418 of 2017 on file of this Hon'ble Court with the direction to hear the same on merits;

(b) That pending the hearing and final disposal of this Civil Application and/or also Second Appeal, this Hon'ble Court may be pleased to stay execution, effect and/or operation of the Impugned Judgment and Appellate Decree dated 29th September 2016. Exh-A hereto passed by the Learned District Judge 2, Ratnagiri in Civil Appeal No.187 of 2012 and also

the Impugned Judgment and Decree dated 22nd February 2008, Exh-B hereto passed by the Learned Civil Judge, Sr. Division, Ratnagiri in Special Civil Suit No.21 of 2000;

(c) That pending the hearing and final disposal of the above Civil Application and/or Second Appeal, this Hon'ble Court may be pleased to continue the Interim protection granted to the Appellant by the Hon'ble Supreme Court of India vide order dated 4th September 2009 in Civil Appeal No.6122 of 2009, Exh-H hereto on the same terms and conditions imposed by the Hon'ble Supreme Court or such terms and conditions as this Hon'ble Court may deem fit and proper;

(d) That the ad-interim relief in terms of prayer (a) and (b) above;

(e) That the costs of the Civil Application be provided for;

(f) That such other and further relief as this Hon'ble Court may deem fit and proper may also be granted;"

2. After hearing the matter for some time, learned Counsel for the Applicant states that the Applicant would move the Supreme Court seeking clarification of the order dated 8th September 2017 in Special Leave Petition (Civil Appeal No.12487 of 2017).

3. In view of the above no orders in the Civil Application.
4. The ad-interim relief granted on 22nd November 2017 not to execute the possession warrant till the next date to continue for a further period six weeks from today.
5. The Civil Application to stand disposed of.

[A. A. SAYED, J.]