

(ii) Whether the suit filed by Respondent No.1 is within limitation ?

3 The printing of paper book is dispensed with. The Appellants shall, however, file a private paper book consisting of papers and proceedings before Courts below within a period of 8 weeks from today.

4 Respondent No.1 waives service. Issue notice to Respondent No.2 for hearing of the second appeal, returnable on 8 June 2017.

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5 Learned Counsel for the Applicants/Appellants prays for stay of execution of the impugned judgment and decree passed by the First Appellate Court. Since the impugned judgment and decree declares Respondent No.1 to be the owner of the suit property and the second appeal is admitted on substantial questions of law as above, the property needs to be protected in the meanwhile. By an order dated 23 December 2015, this Court recorded respective statements of learned Counsel appearing for both parties that their clients shall not create any third party interest in the suit property. This relief will have to be continued, pending the hearing of the second appeal. Besides, considering the fact that Respondent No.1 herein (original Plaintiff) has filed another suit claiming possession from the Appellants, perpetuation of status quo in respect of the suit property implies protecting the possession of the Applicants/Appellants. Accordingly, the statements recorded in the order dated 23 December 2015 shall continue to operate during the pendency of the second appeal and Respondent No.1 shall not disturb the

Applicants/Appellants' possession of the suit property. The civil application is disposed of accordingly. Needless to add, this status quo order concerning the possession of the Appellants shall be subject to any final order that may be passed in Special Civil Suit No.119 of 2012 filed by Respondent No.1 against the Appellants.

(S.C. GUPTE, J.)