

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.281/2012 IN SECOND APPEAL NO.167/2012

Sau. Usha Saibaba Mangrulkar and anr. ..vs.. Ganpat Ganesh Chandankhede
(Dead) thr. LRs. Vasant Ganpat Chandankhede & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. K. Bhoyar, Advocate for appellants.
Mr. V. G. Bhamburkar, Advocate for respondent no.3.
Mr. M. J. Khan, A.G.P. For respondent nos.4 and 5.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 17, 2017

Mr. S. K. Bhoyar, Advocate for applicants,
Mr. V. G. Bhamburkar, Advocate for non applicant no.3
and M. J. Khan, A.G.P. for non applicant no.4 and 5.

The appeal is already admitted on 04.09.2012 since it involves substantial questions of law. On the said day itself, this application for stay was taken up for consideration and the stay was granted in favour of the applicants-appellants in terms of prayer clause (A), on the condition that the applicants shall deposit Rs.50,000/- within a period of two weeks from the said day. It is observed by this Court that the applicants-appellants who are in possession of the suit property shall not create third party interest nor shall deliver possession of the suit property to anyone.

The applicants, pursuant to the said order, have deposited Rs.50,000/- and have thus complied with the condition.

In view of above, the application is allowed in terms of prayer clause (A). It is made clear that during the pendency of the appeal, the applicants-appellants shall not create any third party interest whatsoever in any manner and also shall not deliver the possession of the suit property to any third person.

The application is allowed and disposed of accordingly.

JUDGE

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