

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (S) NO.780 OF 2013

IN

SECOND APPEAL NO.365 OF 2013

DEVAJI S/O NARAYAN HATWAR

VS

CHANDRAKANT DAMDUJI AKRE AND OTHERS

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

Court's or Judge's orders

Mrs. Charlewar, Advocate for the appellant.

CORAM : A.S. CHANDURKAR, J.

DATED : JUNE 29, 2017.

By this application, it is prayed that the decree passed by the trial Court directing the appellant to hand over possession of the suit property to the defendant no.11 be stayed. It is stated that the applicants are in possession of the suit property and as the appeal is admitted their possession deserves to be protected.

Reply has been filed on behalf of respondent No.3, 8 to 12 opposing the request.

Considering the fact that the applicants are in possession, the execution of the decree passed by the trial Court is stayed subject to appellant not creating third party rights in the suit property.

As the appeal arises out of an order refusing to condone delay in filing appeal under Section 96 of the Code of Civil Procedure, 1908, the appeal is directed to be listed for

hearing in the week commencing 10th of July, 2017.

Civil application is disposed.

JUDGE

/MULEY/