

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

SECOND APPEAL NO.49 OF 2017

(Gajanan Dhansing Chouhan
 vs.
 Shankar Pundlik Kadu)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : V.M. DESHPANDE, J.
DATE : 29th NOVEMBER, 2017.

Heard Shri B.M. Mohta, learned Counsel for
 the appellant and Shri R.G. Kavimandan, learned
 Counsel for the respondent.

The appeal is admitted on the following
 substantial questions of law :

- 1) In the light of provisions of Section 36C of
 the Maharashtra Revenue Code, 1966,
 whether the suit for possession on the basis
 of Exchange-Deed, dated 8th July, 1992 was
 maintainable?
- 2) Whether the trial Court was bound to refer
 the question to the competent authority in
 view of the observation in Writ Petition
 No.5700/2005?

Shri R.G. Kavimandan, learned Counsel waives service of notice for the respondent.

Civil Application [CAS] No.98/2017 :

This is an application for stay. This Court has already granted *ad interim* relief in terms of prayer clause (1) of the application.

Heard the learned Counsel for the parties.

Today the Court has admitted the second appeal. Since it involved substantial questions of law, the stay granted in favour of the the appellant is confirmed. However, it is made clear that during pendency of the present appeal, the appellant shall not create any third party interest or shall not handover possession or try to dispose of the suit property, which is in possession of the present appellant.

Civil application is allowed and disposed of accordingly.

JUDGE

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