

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No.7 of 2016
IN
Second Appeal No. 1 of 2016
[Deepak Govindrao Kamble Vs. Abbasmian Khakimian Pathan]

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

Court's or Judge's orders

Mrs. S.W. Deshpande, Adv., for the applicant.
Mr. D.U. Thakre, Adv., for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : 21st August, 2017

By this application, it is prayed that the judgment of the appellate Court partly allowing the appeal be stayed during pendency of the Second Appeal.

As per that decree, the appellate Court has modified the directions issued by the trial Court and reduced the area of encroachment than what was declared by the trial Court.

The application is opposed by the respondent by filing reply.

Considering the nature of decree as passed and as the appeal has been admitted, the execution of the judgment of the appellate Court shall remain stayed

during pendency of the appeal. It is clarified that if any construction is made by the original defendant on the area admeasuring 16.48 square meters, same would be subject to the result of the Second Appeal.

Civil Application is disposed of.

Judge

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