

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

SECOND APPEAL NO.85 OF 2017

Shyamrao Sakharam Rakhonde, Patur, Akola

-vs-

Tulshiram s/o Motiram Deokar and ors.

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

Court's or Judge's Orders.

Shri R. V. Gahilot, Advocate for appellant.

Shri V. B. Bhise, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : September 27, 2017

Heard.

Admit on the substantial questions of law as framed on 08/08/2017. Shri V. B. Bhise, learned counsel waives notice on behalf of the respondents.

Hearing expedited.

C.A.S. No.160 of 2017

By this application it is prayed that the decree passed by the trial Court and confirmed by the first appellate Court be stayed during pendency of the appeal. It is submitted that as the respondents have an alternate way to approach their suit field, the decree as passed deserves to be stayed.

The application is opposed by the learned counsel for the respondents. It is submitted that in the trial Court the application for temporary injunction was

allowed and that order operated during pendency of the suit. There was no interim order passed in the appeal hence the application deserves to be rejected.

Considering the fact that the trial Court on 15/10/2005 had allowed the application for temporary injunction which position continued till decision of the suit, the application is disposed of by directing the parties to maintain status quo as of today during pendency of the appeal. The respondents while using the suit way shall not cause damage to the crops of the appellant.

Civil application is disposed of.

JUDGE