

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2958 OF 2017

IN

FIRST APPEAL NO. 1061 OF 2017

Shri Chandrakant T. Landge

..Applicant

Vs.

Shri Chandrakant D. Tapkir and Another

..Respondents

Mr. Ganesh Bhujbal, for the Applicant.

CORAM:-K. K. TATED & B. P. COLABAWALLA,JJ.
DATE :- AUGUST 14, 2018.

P. C.:

Heard. This Civil Application has been filed by the Applicant seeking a stay of the operation, execution and implementation of the judgment and order dated 26th March, 2016 passed by the 2nd Additional Judge, Small Causes Court and Joint Civil Judge (SD) Court Pune, at Pune. This Court, by its order dated 16th January, 2018 after hearing the Appellant as well as Respondent Nos. 1 and 2 granted ad-interim relief by which the operation and implementation of the judgment and decree dated 26th October, 2016 passed by the Trial Court was stayed till further orders.

2 When the matter was called out today, none have appeared
on behalf of Respondent Nos.1 and 2

3 After hearing the learned counsel for the Appellant, we feel
that it would be in the interest of justice if the ad-interim order granted
by this Court on 16th January, 2018 is continued till the hearing and final
disposal of the Appeal.

4 In these circumstances, following order is passed:-

a) Civil Application is allowed in terms of prayer clause (a)
which reads thus:-

*“Pending hearing and final disposal of the present Appeal, this
Hon'ble Court be pleased to stay the operation, execution and
implementation of the Judgment and Order dated 26th October,
2016 passed by the Ld. 2Nd Addl. Judge, Small Causes Court and
Jt. Civil Judge (S. D.) Court, Pune at Pune.”*

5 Considering the statement of the Appellant that they are in
possession of the suit property, they are also directed that they shall not
alienate, encumber and/or create any third party rights and/or interest s
in the suit property till the hearing and final disposal of the First Appeal.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)