

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 43 OF 2018
WITH
CIVIL APPLICATION No. 213 OF 2018
IN
SECOND APPEAL No. 96 OF 2018

Dr.Sanjay Sopan Warade

...Applicant/Appellant

Versus

Shri.Karbhari Dagdu Gaikwad & Ors.

...Respondents

.....

Mr.P.S.Dani, Senior Advocate i/b. Ms.Tanaya D. Goswami for the
Applicant/Appellant.

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **FEBRUARY 26, 2018**

P.C.:

CIVIL APPLICATION No. 43 OF 2018

1. By this Civil Application, the applicant/appellant seeks stay to the operation and execution of the impugned judgment and order dated 18.09.2017 passed by the learned Principal District Judge, Nashik in Regular Civil Appeal No. 18 of 2013 and also the judgment and decree dated 22.11.2012 passed by the learned 7th Civil Judge, Senior Division, Nashik in Regular Civil Suit No. 589 of 2007.

2. The learned Senior Advocate for the applicant/appellant submits that the applicant/appellant, who is original defendant no.3, is a purchaser of the suit land and claims that he is in possession of the suit land. However, the Appellate Court has held that not the applicant/appellant i.e., original defendant no.3, but the original plaintiff i.e., respondent no.1 is in possession of the suit land. He further submits that the applicant/appellant apprehends the execution of the impugned judgment and decree by executing the sale deed. He prays that the execution and implementation of the impugned judgment and decree be stayed.

3. In view of the above submission, issue notice to the respondents, returnable on **9th April, 2018**. Till then, the execution and implementation of the judgment and order dated 18.09.2017 passed by the learned Principal District Judge, Nashik in Regular Civil Appeal No. 18 of 2013 is stayed. So also, the execution and implementation of the judgment and decree dated 22.11.2012 passed by the learned 7th Civil Judge, S.D., Nashik in Regular Civil Suit No. 589 of 2007 is stayed.

4. The copy of the appeal memo is to be furnished to the registry.

CIVIL APPLICATION No. 213 OF 2018

5. The learned Senior Advocate for the applicant submits that the applicant does not want to press Civil Application No. 213 of 2018 and, therefore, he seeks permission to withdraw the said Civil Application.

6. The learned Senior Advocate for the applicant is allowed to withdraw Civil Application No. 213 of 2018.

7. Civil Application No. 213 of 2018 is dismissed as withdrawn.

(MRIDULA BHATKAR, J.)