

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1105 OF 2017
IN
SECOND APPEAL NO. 687 OF 2017

Sonaba Bapu Gaikwad (deceased) Through
LRs

...Applicants

Versus

Rajaram Mahadeo Pisal

...Respondent

Mr. Prakash Gharge, for the Applicants.

Mr. Yajuvendra S. Singh, for the Respondents.

CORAM: N. M. Jamdar, J

DATED: 10 January, 2018

PC:-

1. Heard the learned Counsel for the parties.
2. By the order passed today, the Second Appeal is admitted. The Applicants have been directed to execute sale deed and hand over possession of the suit property. Considering the fact that the Appeal is admitted and that decree of possession is passed, the Civil Application is allowed in terms of prayer clause (a).
3. The grant of this interim relief shall be subject to the following conditions:

(a) The Applicants themselves and all adult members in their family residing/occupy the suit property file an Affidavit within three weeks from today that they alone are in possession in the suit property and they will not create any third party rights or part with the possession.

(b) That the Applicants will deposit the amount of Rs.30,000/- with interest at the rate of 12% p.a. from 24 January, 1990 till institution of the Suit, as directed by the learned Trial Court, in this Court within four weeks from today. The amount so deposited shall be invested in fixed deposit in a nationalised bank subject to further order.

4. If these two conditions are not satisfied within the time stipulated, the interim relief granted shall stand vacated.
5. Civil application allowed, as above.

[N. M. JAMDAR, J.]