

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1420 OF 2016
IN
SECOND APPEAL NO. 714 OF 2016**

Laxman Ramchandra Lohar

..Appellant

v/s.

Hariba Yeshwant Lohar & Anr.

..Respondents

Mr. Chetan Patil for the Appellant

Ms. Sucheta Ghaisas for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26TH NOVEMBER, 2018.**

P.C.

1. The respondent no.1 who was the plaintiff in Suit herein had filed a suit claiming that he had right of preemption under Section 22 of the Hindu Succession Act. The learned trial Judge, by judgment and decree dated 18th January, 2012 has directed the appellant (Original defendant no.2) to execute the sale deed in respect of the suit property in favour of the respondent no.1.
2. The said decree has been confirmed by the Appellate Court by order dated 15th January, 2016.

3. It is stated that the respondent no.1 has already filed an execution application. The learned Counsel for the appellant has submitted that the appellant had purchased the property from the respondent no.2. The respondent no.1 who is the plaintiff had not sought to challenge the said sale deed. Furthermore, the plaintiff /respondent no.1 had also not filed any application in terms of Section 22 of the Hindu Succession Act prior to execution of the sale deed.

4. Considering the above issues raised in this appeal, in my considered view, the execution needs to be stayed. Hence, interim relief is granted in terms of prayer clause (a).

. Civil Application is disposed of.

(ANUJA PRABHUDESSAI, J.)