

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1111 OF 2015
IN
SECOND APPEAL NO. 414 OF 2016

Shri. Anajit Nandalal Bodhe & Ors ...Applicants

Versus

Mansing Dhondi Gujar (deceased) Thr LRs
& Ors ...Respondents

Mr. Pramod N. Patil, for the Applicants.

Mr. K. P. Shah, for Respondents Nos.1 A to 1 E.

CORAM: N. M. JAMDAR, J

DATED: 19 JANUARY, 2018

PC:-

1. Heard the learned Counsel for the parties.
2. By this Civil Application, the Applicant is seeking stay of the impugned judgment and order dated 22 September, 2014. By this order the learned District Judge declared that the Respondent – original Plaintiff is the owner of the suit land and the Appellant was restrained by an order of perpetual injunction.
3. The learned Counsel for the Applicant submitted that the Respondent has not filed a reply. The learned Counsel for the

Respondents rightly points out that he is relying on the impugned decision and the finding that he is in possession of the property.

4. It is after a period of almost four years that the Appellant is seeking stay to the order of injunction. The Appeal itself was filed after delay. The learned Counsel for the Appellant firstly stated that the order in Appeal is an *ex parte* order. When it was pointed out to him that an Advocate appeared in the first Appellate Court, it was stated that Advocate did not inform the Appellant.

5. Considering these circumstances, the order of injunction cannot be stayed after a period of almost three and half years,

6. The Civil Application is accordingly rejected.

[N. M. JAMDAR, J.]