

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3628 OF 2014
IN
FIRST APPEAL NO.1353 OF 2016

Mr. Mohammed Hafeez Mohammed Faryaz
and Ors.

..Appellants

vs.

Mr. Mohammed Lliyas Mohammed Faryaz
and Ors.

...Respondents

Mr. Akbar Ali N. Nasikwala for the Appellants.
Mr. Anand Pande for the Respondent No.1.

CORAM : V. M. DESHPANDE, J.

DATE : 20th JUNE, 2018

P.C.:

. This is application for stay. Appeal is filed by the original defendant Nos.1 to 6. By the impugned decree the defendant Nos.1 to 6 are directed to hand over the suit shop block to the plaintiff.

2. Heard the learned counsel for the parties. It is not in dispute that the appellants are in possession of the suit shop block. In fact the suit is filed for declaration and for possession.

3. After the decree was passed the present appeal along with present application was filed before this Court and this Court on 30/10/2014 granted stay in favour of the appellants.

4. Today after hearing the parties, appeal is admitted.

Appellants/applicants are in possession therefore till the decision of the present appeal, their possession is required to be protected. However at the same time the appellant/applicants are required to be put to some conditions.

ORDER

- i) During the pendency of the present appeal the effect and operation of the judgment and decree dated 2/8/20014 in Suit No.4404/2003 shall remain stayed;
- ii) The appellants/applicants are directed that during pendency of the present appeal they shall not create any third party interest whatsoever in any nature. They are also directed not to hand over possession of the suit premises to anybody;
- iii) That during pendency of the present appeal the appellants/applicants shall deposit amount of Rs.10,000/- on or before 15th day of every month before this Court. The original plaintiff/respondent No.1 shall be entitled to withdraw the said amount without moving any application before this Court;
- iv) Application is allowed and disposed of.

(V. M. DESHPANDE, J)