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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 96 OF 2010
IN
SECOND APPEAL No. 40 OF 2010

Mrs. Pooja Vijay Saikar ... Applicant
Vs.
Dattatraya D. Khairnar & Ors. ... Respondents

Mr. S. S. Kulkarni, for the Applicant / Appellant.
None for the Respondent.

CORAM : A. M. DHAVALA, J.
DATE : OCTOBER 6, 2018

PC :-

1. The defendant No. 1 runs a flour mill. The plaintiff has challenged the running of said flour mill on the ground of nuisance. There are concurrent findings against the defendant. Hence, this second appeal.

2. By order dated 9th July, 2014, appeal has been admitted and three substantial questions have been framed, which basically relate to the legality of the order and the location of the flour mill, whether on the ground floor or in the

basement area. Considering the narrow controversy involved, hearing of the second appeal is expedited. Second appeal is fixed for final hearing on 25.10.2018.

3. In view of admission of the appeal, the execution, implementation and operation of the judgment and decree of the first appellate court is hereby stayed, subject to the Appellant furnishing security as per Order 41, Rule 5(3)(c) of the Civil Procedure Code to the satisfaction of the first appellate court. Copy of this order be sent to the first appellate court for information and compliance. Civil Application No. 96 of 2010 is accordingly disposed of.

Sd/-
[A. M. DHAVAL, J.]

Vinayak Halemth