

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1703 OF 2011
IN
SECOND APPEAL No. 53 OF 2012

Kisan Bajirao Babar
(Since deceased, represented through LRs.) ... Applicant
Vs.
Nilkanth Parabati Babar
(Since deceased, represented through LRs.) ... Respondent

Mr. Gunjan Shah I/b P. B. Shah, for the Applicant.
None for the Respondent.

CORAM : A. M. DHAVALA, J.
DATE : SEPTEMBER 5, 2018

PC :-

1. Second appeal is admitted on 1.8.2012. The Respondents have not filed reply to this application for injunction. Learned advocate Mr. Gunjan Shah submits that both the courts below have held that plaintiff was in possession of the suit property, but the plaintiff's suit was dismissed on the ground of limitation. In view of this, civil application is allowed to the extent of possession of the plaintiff over the suit property,

restraining the respondents from disturbing peaceful possession of the plaintiff over the suit property during pendency of this second appeal. Civil application is accordingly disposed of in the above terms.

2. Hearing of the second appeal is expedited. Appellant has filed paper-book. The second appeal be listed for final hearing on 16.10.2018.

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

Vinayak Halemath