

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.25/2018

Rupchand s/o Dulichand Dularam Chugh since dead through his LR.
 Bhagwansingh D.Rewadi since dead through his LR. Tilakraj s/o Bhagwansingh Rewadi
 and others.

Vs.

Parsuram s/o Dhondbhaji Talodhikar since dead through his LR. Smt. Indirabai wd/o of
 Parsuram Talodhikar and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

Shri V.S.Kukday, Advocate for appellants.
 Shri Bharat Kulkarni, Advocate for R.No1.(A to e)

CORAM : A.S.CHANDURKAR, J.

DATED : 08.08.2018

Heard.

**Admit on the substantial question of
 law as framed on 16th January, 2018.**

Shri Kulkarni waives notice on behalf of
 legal heirs of respondent no.1.

Call for record and proceedings.

Hearing expedited.

Civil Application (S) No. 56/2018

Heard.

By this application, it is prayed that the
 effect and operation of the impugned decree be
 stayed during the pendency of the appeal. In the
 application, it is stated that applicants are in
 possession and hence, the stay deserves to be
 granted.

Reply has been filed on behalf of the non
 applicants opposing this prayer. It is stated that
 since the non applicants are decree holders, the stay

does not deserve to be granted.

The appeal has been admitted after framing substantial question of law. As the applicants/appellants are in possession, the execution of the impugned decree shall remain stayed during the pendency of the appeal. The applicants shall not create any 3rd party right over the suit property.

The application stands disposed of accordingly.

Civil Application (S) No.504/2018

In view of orders passed on Civil Application (S) No.56/2018, this application does not survive, the same is disposed of as such.

JUDGE

Andurkar