

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.S. NO.1097/2017 IN SECOND APPEAL NO. 569/2017
(ASHOK NATHUJI ALLEWAR VERSUS SHOBHA ASHOKRAO RAUT)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.V. Muley, counsel for the applicant-appellant.
Shri H.D. Dangre, counsel for the non-applicant/respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 08, 2018.

By this application, it is prayed that the execution of the decree for specific performance as passed by the trial Court and confirmed by the appellate Court be stayed.

It is submitted that in view of admission of the appeal, the execution may be stayed as prejudice could be caused if the sale-deed is executed.

It is submitted by the learned counsel for the non-applicant that during pendency of the first appeal, the execution of the decree was stayed and the plaintiff was permitted to withdraw the amount deposited by her.

As the appeal has been admitted the execution of the decree is stayed subject to applicant not creating any third party rights in the suit property. The non-applicant is permitted to withdraw the amount deposited by her without prejudice to her rights and contentions. However, in case the appeal is allowed, the amount so withdrawn shall be re-deposited with interest at such rate the Court may direct. Civil application is allowed and disposed of.

SECOND APPEAL NO.569/2017.

Paper book be filed within eight weeks.

JUDGE

APTE