

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

SECOND APPEAL NO.391 OF 2017

Lahanya s/o Bapur Dharade and ors.

-vs-

Jumlabai wd/o Nag Shelki, Ramtek, Nagpur

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

Court's or Judge's Orders.

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Shri M. R. Johrapurkar, Advocate for appellant.

Shri S. D. Zoting, Advocate for respondent.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : June 15, 2018**

Heard.

**Admit** on the following substantial question of law :

*“ In the light of documents at Exhibits-75 to 77 whether the appellate Court was legally justified in reversing the finding of the trial Court that the suit was barred by limitation ?”*

Shri S. D. Zoting, learned counsel waives notice on behalf of the respondent.

Call for record and proceedings.

**Civil Application (CAS) No.714 of 2017**

By this application it is prayed that the decree passed by the appellate Court directing the applicants to hand over possession of the suit property to the non-applicant herein be stayed during pendency of the appeal.

The application is opposed by the learned counsel for the non-applicant on the ground that the decree has been rightly passed by the appellate Court.

As the appeal has been admitted, the execution of the decree passed by the appellate Court is stayed during pendency of the appeal. However, the applicants shall not create any third party rights in the suit property during pendency of the appeal.

Civil Application is allowed and disposed of.

**JUDGE**