

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

CIVIL APPLICATION (CAS) NO.1119 OF 2017
IN
SECOND APPEAL NO.339 OF 2013

Hemraj Beniram Ghate (Dead) Thr. LRs Surendra Hemraj Ghate and ors.

-vs-

Daulat Tukaram Chakole and ors.

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

Court's or Judge's Orders.

Shri S. D. Deshpande, Advocate for appellants.

Shri A. Z. Jibhkate, Advocate for respondent No.1/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : January 29, 2018

In this application it is prayed that the interim order of stay granted on 21/11/2015 be vacated on the ground that the conditions imposed while granting stay have been disobeyed. It is stated that a construction has been carried out on the suit property and therefore as the interim order stands breached, the same deserves to be vacated.

Reply has been filed on behalf of the appellants denying the said contention. It is stated that when the interim order was passed, portion of the land was already alienated. After the interim order was passed further land has not been alienated. The construction as alleged was already standing when the interim order was passed. In view of these statements made on oath by the appellants, I do not find any reason to vacate the interim order.

The application therefore stands rejected.

JUDGE