

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

C.A.S. NO.506/2017 IN SECOND APPEAL NO. 281/2017

(SHRINIWAS JANARDHAN CHINMINE **VERSUS** TRAMBAKRAO JANARDHAN CHINMINE)

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

Court's or Judge's orders

Shri U.J. Deshpande, counsel for the applicant-appellant.
 Shri C.A. Joshi, counsel for the non-applicant/respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 11, 2018.

By this application, it is prayed that the decree for possession passed by the appellate Court be stayed during pendency of the appeal. It is stated that the applicant is in possession of the suit property.

The prayer is opposed by the learned counsel for the non-applicant on the ground that the appellate Court has rightly decreed the suit after considering the evidence on record.

Prima-facie considering the material on record and especially the document at Exhibit 41, I find that the applicant has made out a case for staying the decree passed against him. Hence, during pendency of the appeal, there shall be interim relief in terms of prayer clause (a). The applicant shall however not create any third party right or change the nature of the suit property.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

APTE