

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

SECOND APPEAL NO. 488/2017
 (KAILASH NATHUJI MAHAKALKAR VERSUS KAVITA TATYAJI GHANODE & OTHERS)

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

Court's or Judge's orders

Shri H.I. Kothari, counsel for the applicant-appellant.
 Shri Alok Daga, counsel for the R-1.

CORAM : A.S. CHANDURKAR, J.
DATE : AUGUST 06, 2018.

C.A.S. NO.269/2017.

By this application, it is prayed that the effect and operation of the impugned judgment be stayed during pendency of the appeal.

It is submitted that the applicant is in possession of the suit property and in view of the decree passed by the appellate Court, his interest would be vitally affected.

The prayer is opposed by the learned counsel for the respondent no.1. It is submitted that if the stay is granted it is likely that the applicant could create third party rights.

The appeal has been Admitted after framing substantial question of law. Ad-interim relief has been granted on 11.12.2017. Considering the nature of decree as passed, there shall be interim relief in terms of prayer clause (i). However, the applicant shall not create any third party rights in the suit property. Civil application is disposed of.

JUDGE

APTE

Rohit
 Dattatraya Apte

Digitally signed by
 Rohit Dattatraya Apte
 Date: 2018.08.06
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