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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1230 OF 2019
IN
FIRST APPEAL NO. 439 OF 2019**

Shri Ravindra Maruti Nikam and Ors.

... Applicants/
Appellants

V/s.

Shri Murad Madadali Patel and Ors.

... Respondents

.....

Mr. Siddharth R. Ronghe for the Appellant in FA/439/2019, Applicant in CAF/1230/2019 and Respondent No.5 in FA/440/2019.

Mr. Ashok B. Tajane for the Appellant in FA/440/2019, Applicant in CAF/1231/2019 and Respondent No.3 in FA/439/2019.

Mr. R.D. Soni alongwith Mr. V.R. Ksale i/by M/s. Ram and Co. for the Respondent Nos. 1 and 2.

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CORAM : R.D. DHANUKA, J.

DATE : 26th NOVEMBER, 2019.

P.C.:

. Papers are allowed to be produced at 3:00 p.m.

2. By a separate order passed by this Court, First Appeal Nos. 439 and 440 of 2019 are admitted.

3. Mr. Soni, learned counsel appearing for the original plaintiff states that in pursuant to the judgment and decree passed by the Trial Court, his client has already deposited Rs.75,00,000/- in the Trial Court.

4. The directions issued by the Trial Court in paragraphs 1 and 2 of the operative order are stayed. Rest of the directions issued by the Trial Court in paragraph 3 and 4 are not stayed.
5. Civil Application is disposed of on aforesaid terms.
6. First Appeal No. 439 of 2019 to be heard with First Appeal No. 440 of 2019.
7. It is made clear that the original defendants shall not create any license in respect of the suit property. The plaintiff is also directed to not to create any third party right in respect of the suit property during the pendency of the first appeal.
8. The amount deposited by the plaintiff shall be invested by the Trial Court in the fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the First Appeal.

(R.D. DHANUKA, J.)