

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1475/2015
in
FIRST APPEAL NO.441/2015

Prem Singh Chaudhary & Anr. ... Applicants.
V/s.
Hemant Shukla & Anr. ... Respondents

Advocate Mr. Sunil R. More for appellant.
Adv. Sunil Damle sr. Advocate with Arnit Singh I/b Santosh
Sawant for respondent nos.1 and 2.

CORAM: K.K. TATED, J.
DATED : JUNE 17, 2019

P.C. :

Heard learned advocate Mr. Sunil More for applicants
and Advocate Mr. Sunil Damle for the respondents.

2. By this civil application, the applicant/original defendant is seeking stay of operation and implementation of impugned judgment and decree dated 12.1.2015 passed by learned City Civil Court, Bombay in Suit No.2975/2009 (High Court Suit no.187/2009) by which the trial court decreed respondents/plaintiffs suit for specific performance in respect of flat No.1606, Kanchanganga Cooperative Housing Society Limited, 9/10, Manish Nagar, JP road, Andheri (W), Mumbai-400053.

3. The learned counsel for applicants submits that as on

today applicants are in possession of the suit premises and they themselves are occupying the same. He further makes a statement that till hearing and final disposal of first appeal, they will not create third party right, title and interest in respect of suit property and they will only occupy the same.

4. At this stage, learned senior counsel Mr.Atul Damle for respondents submits that till hearing and final disposal of first appeal, they will not execute the decree in respect of suit property, hence, by consent of both parties following order is passed.

a) Statement made by learned Senior Counsel Mr.Atul Damle for respondents that they will not execute the decree till hearing and final disposal of first appeal is accepted.

b) Applicants' submission that they will not create any third party right, title and interest in respect of suit flat i.e.1606, Kanchanganga Cooperative Housing Society Limited, 9/10, Manish Nagar, JP road, Andheri (W), Mumbai-400053 till hearing and final disposal of first appeal and they themselves occupy the same, is accepted.

c) Civil Application is disposed of accordingly.

d) No order as to cost.

(K. K. TATED, J.)