

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

**CIVIL APPLICATION NO.505 OF 2018
IN
SECOND APPEAL NO.406 OF 2018**

Parmanand Purshottam Thakur .. Applicant/Appellant
Vs.

Prakash Harishchandra Patil & Ors. .. Respondents

Mr.Atul G. Damle, Senior Advocate i/by Mr.Lalji Shukla for the applicant/appellant.

Mr.Raja S.Ghadge a/w Mr.Jayesh M.Joshi for the respondent nos.1 to 5 and 7 to 9.

CORAM : R.D.DHANUKA, J.

DATE : 9th September 2019

P.C.:

. Heard the learned counsel for the parties.

2. By a separate order passed in second appeal, this Court has already admitted the said second appeal on the substantial questions of law formulated by this Court.

3. The applicant is in possession of the suit structure from the date of creation of tenancy in favour of the applicant by the original plaintiffs.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (a). The applicant shall not create any third party rights in respect of the suit structure

during the pendency of the second appeal. The applicant shall continue to deposit the rent which was agreed upon by and between the parties in respect of which the findings rendered by the two Courts below. The applicant shall also deposit arrears of rent, if any, within four weeks from today in the trial Court. The rent in respect of the period from the date of this order shall be deposited on or before 10th Day of each month before the trial Court. If the plaintiffs seek to withdraw the said amount, an application in that regard can be made before the trial Court. If any such application is made, the trial Court shall consider the same on its own merit.

R.D.DHANUKA, J.