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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO. 2345 OF 2018  
IN  
FIRST APPEAL NO 790 OF 2018**

Mr. Immacus Dias

.....Applicant

V/s.

Alzira Variava and others

.....Respondents

Mr. Clifford Martis for applicant  
Mr. A. A. Siddique for respondent

**CORAM : K. K. TATED, J.**

**DATE : APRIL 11, 2019.**

**P.C.**

Heard the learned counsel for the parties.

2 By this Civil Application, original defendant is seeking stay of operation and implementation of Judgment and Decree dated 17/03/2018 passed by City Civil Court, Bombay in Suit No. 2516 of 2008 directing the applicant to execute Registered Deed of Conveyance in respect of 3 flats on the 3<sup>rd</sup> and 4<sup>th</sup> floor of the

building Anthony Heights situated on plot no. 277, CTS No. 1570, St. Anthony's Road, Village Chembur, Mumbai. The learned counsel for the applicant submits that respondents are already in possession of the suit premises.

3 The learned counsel for respondent submits that he received instructions to make statement before the Court that they are not going to execute Judgment and Decree dated 17/03/2018 till hearing and final disposal of the First Appeal. To that effect, he has given in writing. Same is taken on record and marked as 'X' for identification. Same is accepted.

4 In view of statement made by the learned counsel for respondent, nothing survives in Civil Application. Same stands disposed as infructuous.

5 No order as to costs.

**[K. K. TATED, J.]**