

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

**CIVIL APPLICATION NO.1261 OF 2014
IN
SECOND APPEAL NO.521 OF 2014**

Rajiv Vasant Mali & Anr. .. Applicants
Vs.
Ajay Ramchandra Acharya & Ors. .. Respondents

Mr.Mayur Khandeparkar a/w Mr.Kishor N. Shriyan for the applicants.
Mr.Hemant Ghadigaonkar for the respondent nos.1 to 4.

**CORAM : R.D.DHANUKA, J.
DATE : 24th September 2019**

P.C.:

. Heard learned counsel for the parties.

2. By this civil application, the applicants seek stay of the judgment and order dated 1st August 2014 passed by the learned District and Sessions Judge, Pune.

3. By an order dated 27th August 2015 passed by this Court, this Court has admitted the second appeal on substantial questions of law formulated in the said order. This Court also continued the ad-interim order passed by an order dated 26th September 2014.

4. Mr.Khandeparkar, learned counsel for the applicants, on instructions, states that without prejudice to the rights and contentions of his clients, his clients are ready and willing to hand over possession of

62.5 % of the remainder portion of the land save and except the bungalow to the original plaintiffs during the pendency of this appeal provided the plaintiffs do not create any third party rights in respect of the suit property. Learned counsel, on instructions, further states that his clients would not create any third party rights in respect of the suit property during the pendency of this appeal. Statement is accepted.

5. Mr.Ghadigaonkar, learned counsel for the respondent nos.1 to 4 (original plaintiffs), on instructions, states that his clients do not agree with this proposal made by the learned counsel for the appellant.

6. Ad-interim order passed by this Court is in force since 2014. Ad-interim order is confirmed, however, it is made clear that the applicants shall not create any third party rights in respect of the suit property during the pendency of this appeal.

7. Civil application is disposed of on aforesaid terms. No order as to costs. If any application is filed by the original plaintiffs for compensation, the same would be considered on its own merit.

R.D.DHANUKA, J.