

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

**CIVIL APPLICATION NO.1642 OF 2018
IN
SECOND APPEAL NO.729 OF 2018**

Naruddin Alibhay & Ors. .. Appellants/Applicants

Vs.

Dnyaneshwar Laxman Godse & Ors. .. Respondents

Mr.Y.S. Jahagirdar, Senior Advocate i/by Mr.P.J. Thorat and Ms.Aditi Naikare for the appellants/applicants.

None for the respondent.

CORAM : R.D.DHANUKA, J.

DATE : 3rd October 2019

P.C.:

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

2. A perusal of the findings rendered by the two Courts below prima facie indicates that the findings rendered by the two Courts below are totally perverse and inconsistent. The respondents are restrained from creating any third party rights in respect of the property in question during the pendency of the second appeal. The execution and effect of the judgment and decree passed in counter claim is stayed during the pendency of the second appeal. Civil application is accordingly disposed of. No order as to costs. The applicants are directed to convey this order to the respondents for compliance.

R.D.DHANUKA, J.