

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL (ST) NO. 5655 OF 2019**  
**ALONGWITH**

**CIVIL APPLICATION NO. 409 OF 2019**

Bapusaheb Dattatraya Patil,

Through their heirs

.....Applicants

V/s.

Sanjiv Anandrao Babar

....Respondent

\* \* \* \*

Mr. Tejas Hilage, Advocate for the appellants.

**CORAM : SANDEEP K. SHINDE, J.**

**Friday, 8<sup>th</sup> March, 2019.**

**P.C. :**

1. Mentioned. Not on board. Taken on production board.

2. The appellant is the judgment debtor against whom the decree of possession was passed on 4<sup>th</sup> September, 2014 by the learned Civil Judge Junior Division, Kolhapur in Regular Civil Suit No. 768 of 2005. This decree was confirmed in Regular Civil Appeal No.361 of 2014 by

judgment and order dated 5<sup>th</sup> October, 2018. It is against this decree in Regular Civil Appeal No. 361 of 2014, this Second Appeal is preferred. Pending Regular Civil Appeal, the possession of the appellant-defendant in the suit property was protected by the learned Appellate court till the disposal of the Regular Civil Appeal.

2. The papers are produced by the appellant who is apprehending dispossession from the suit property which is his residential accommodation. In view of this, issue notice to the respondents in the appeal, as well as, in the Civil Application returnable on 23<sup>rd</sup> April, 2019.

3. Till then, the execution of the decree passed against the appellant and confirmed in Regular Civil Appeal is stayed.

4. Issue notice to the respondents returnable on 23<sup>rd</sup> April, 2019.

**(SANDEEP K. SHINDE, J)**