

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO.1503 OF 2017
IN
SECOND APPEAL NO.738 OF 2017

(Dhananjay s/o Purushottam Deshmukh (Brahmin) Vs. Sumatibai wd/o Purushottam Deshmukh (deceased) thr. LRs. Mohan Keshav Jahagirdar and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.M. Vaishnav, Advocate for Appellant.
Shri B.D. Bhoyar, Advocate h/f Shri M.P. Kariya, Advocate for Respondent 2.

CORAM: ROHIT B. DEO, J.
DATE: 29th MARCH, 2019.

The second appeal is admitted on substantial questions of law formulated on 10.01.2018.

2] By and under the judgment and decree of the trial Court, which is confirmed in appeal, the applicant – appellant is directed to hand over the possession of the suit property. Since the appeal is admitted on substantial questions of law, it would be appropriate to stay the judgments and decrees impugned.

3] This civil application was heard on 15.03.2019. A statement was made by the learned counsel for the respondent 2 that he would place on record an additional affidavit in support of the contention that the stay should be subject to certain conditions.

4] The respondent 2 has not filed on record the additional affidavit.

5] Shri B.D. Bhoyar, the learned counsel holding for Shri M.P. Kariya is seeking time on the ground that Shri M.P. Kariya is out of station.

6] However, since the additional affidavit is not filed as yet, I do not see any reason to adjourn the hearing.

7] Civil Application (CAS) 1503/2017 is allowed in terms of prayer clause (i).

JUDGE