

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (S) NO.18/2019
&
CIVIL APPLICATION NO. 619/2018
IN
SECOND APPEAL NO.235/2018

(Rajesh Krushnarao Sakore and others vs. Nagorao Sadashivrao Tikle and others)

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

Court's or Judge's order

Dr.R.S.Sundaram, Adv.for appellants/applicants
Mr. N.K. Ambilwade, Adv. For respondent no.1
Mr. I.A. Fidvi, Adv.for respondents 4 to 7

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 7th February, 2019.

CAS: 18/2019

This is an Application seeking vacation of stay and directing appellants not to effect any construction on the suit property till the decision of the instant appeal.

Heard.

The learned counsel for the applicant/respondent no.1 submits that construction is being carried out by the appellants in the suit site. As against this, Mr.Sundaram, learned counsel for appellants submits that no construction is being carried out by the appellants in the suit site and undertakes that till the disposal of the appeal, no construction would be carried out by the appellants. He also submits that the appellants would not create any third party interest in the suit property during the pendency of the present Appeal.

In view of the statements made by the Advocates for the

respective parties, the Civil Application stands disposed of.

CA. 619/2018

This is an application for grant of stay under Order 41 Rule 5 of CPC. The learned counsel for the appellants submits that till today the possession of the suit property is with the appellants and the said possession has not been disturbed by the other side. Moreover, the appellants are also protected by this Court vide order dated 4th may 2018.

In view thereof there shall be stay in terms of prayer clauses 1, 2 and 3 of the Civil Application, during the pendency of present Appeal. Civil Application is allowed and disposed of.

S.A. NO.235/2018:

Heard learned counsel for the respective parties.

The substantial questions of law were already formulated by this Court on 4th May, 2018.

Admit.

Call R &P

Printing of paperbook is dispensed with. However, the learned Advocate for the appellant is directed to file private paperbook within a period of six months.

Mr. Ambilwade, learned counsel waives notice for respondent no.1. Mr. Fidvi, learned counsel waives notice for respondents 4 to 7.

JUDGE