

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 11848/2019
IN SECOND APPEAL NO.8 OF 2020

MARIYA BHANUDAS DETHE
VERSUS
SAKHUBAI BAJIRAO DETHE AND OTHERS

Mr. N. C. Garud, Advocate for the appellant.
Mr. S. D. Jaybhar h/f Mr. D. R. Jaybhar, Advocate for
the respondents.

CORAM : S. M. GAVHANE, J.
DATED : 30.01.2020

PER COURT :-

. Applicant/original defendant No. 2 who has filed second appeal aggrieved by the judgment and decree dated 26/07/2018 passed by the Ad-hoc District Judge-5, Ahmednagar in Regular Civil Appeal No. 196 of 2016 has filed this application to stay execution, operation and implementation of said judgment and order passed by the appellate Court pending hearing and disposal of this appeal in terms of prayer clause (B).

2. Learned counsel appearing for the applicant submitted that the applicant is in possession of the suit property purchased by her from defendant No. 1 as per sale deed dated 19/06/2004 (Exhibit 21). The

appellant has spent huge amount for leveling remaining property. The plaintiffs had filed suit in collusion with the defendant No. 2 who died during pendency of appeal before the first appellate Court. Appellant has chances of success in second appeal and therefore, execution of judgment and order passed by the appellate Court may be stayed.

3. Considering the submissions made by the learned counsel appearing for the applicant and the fact that by the separate order the appeal has been admitted, execution of judgment and decree/ order passed by the appellate Court needs to be stayed as prayed. Therefore, application is allowed in terms of prayer clause (B).

[S. M. GAVHANE, J.]