

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13201 OF 2019
IN SA/593/2019

Namdev s/o Daulatrao Suryawanshi and another **... Applicants**

Versus

Sanjay s/o Raghunathrao Matlakute **... Respondent**

.....
Mr. S. K. Chavan, Advocate for applicants.

Mr. K. P. Rodge, Advocate for respondent.

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th February, 2019

ORDER :-

. Present application has been filed for stay to the judgment and decree passed in Regular Civil Suit No. 155 of 2007 by learned Joint Civil Judge Senior Division, Parbhani on 16.09.2011, which was then confirmed by learned Principal District Judge, Parbhani in Regular Civil Appeal No. 101 of 2011 on 08.05.2019. The applicants have been restrained by the Courts below from interfering with the possession of respondent No. 1 over the suit land.

2. Heard both sides.

3. Prima facie evidence would show and it has been held by both the Courts below that respondent No.1 possess the suit land. He has purchased it from original defendant No.2 by a registered sale-deed. If the possession of the suit land was given by the owner to the purchaser, then he should continue to hold it till the matter is decided against him. Under such circumstance, no case is made out for grant of stay during the pendency of second appeal. Second appeal is admitted, but that will not give applicants a right to get temporary injunction. Hence, application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

scm