

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1617 OF 2019
IN
SECOND APPEAL NO.804 OF 2019**

Pratap Gopal Sawant ...Applicant
V/s.
Sheela Trimbak Sawant & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO.484 OF 2020
IN
SECOND APPEAL NO.642 OF 2020**

Sheela Trimbak Sawant ...Applicant
V/s.
Pratap Gopal Sawant & Anr. ...Respondents

Mr. P. B. Shah i/b Mr. K. P. Shah for Applicant in CA/1617/2019 and for Respondents in CA/484/2020.
Mr. Sanjeev Kadam i/b Mr. Prashant Raut for Applicant in CA/484/2020 and for Respondents in CA/1617/2019.

**CORAM : A. S. GADKARI, J.
DATE : 7th JULY, 2021.
(Through Video Conferencing)**

PC.:

Civil Application No.484 of 2020 in Second Appeal No.642 of 2020 is not on Board. At the request of Mr. Kadam, learned counsel appearing for the Applicant, taken on Board.

2 The suit filed by original Plaintiff Smt. Sheela T. Sawant, was partly decreed by the learned Civil Judge, Junior Division, Kankavali, by

its Judgment and Order dated 14th December 2012, and it was declared that, the original defendant No.1 Pratap G. Sawant has no right, title or interest in suit properties Nos.1A and 1B. That, the original defendant No.1 was also perpetually restrained from obstructing peaceful possession of the original plaintiff over the suit properties Nos.1A and 1B.

3. In an Appeal preferred by original defendant No.1, Mr. Pratap G. Sawant bearing R.C.A. No.07 of 2013, the Appellate Court while partly allowing the said Appeal, modified clause Nos. 2 and 3 of the operative part of Trial Court Judgment and Decree and has declared that, the original defendant No.1 i.e. Mr. Pratap G. Sawant has no right, title and interest in suit properties i.e. Annexure B (i.e. 1B to the plaint) and he has been perpetually restrained from obstructing the peaceful possession of original Plaintiff Smt. Sheela T. Sawant and Defendant No.2 Shri. Nandkumar A. Sawant over the suit properties i.e. Annexure B (1B to the plaint).

It is thus clear that, the suit property 1A has been held to be in exclusive possession of Smt. Sheela T. Sawant i.e. original plaintiff.

4. Mr. Shah, learned counsel for the original defendant No.1 submitted that, the dispute is pertaining to the ownership and possession of the suit property No.1A.

5. In view thereof, during pendency of the present Second Appeals, parties herein are directed to maintain status-quo with respect to suit properties No.1A and 1B as of today.
6. Civil Applications are allowed in the aforesaid terms.

(A. S. GADKARI, J.)