

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

**CIVIL APPLICATION NO.1257 OF 2018
IN
SECOND APPEAL NO.540 OF 2018**

Somnath Lingappa Ganganhalli ..Applicant
Vs.
Smt.Kamla Kshinath Ganganhalli & Ors. ..Respondents

Mr. Prasad Kulkarni for the Applicant.

Mr. Ashok Tajane for the Respondent Nos. 1 to 3.

CORAM : C.V. BHADANG, J.

DATE : 10th FEBRUARY 2021

P.C.

1. This is an application for stay. The second appeal challenging the judgment and decree passed by the First Appellate Court directing the delivery of possession of the suit property and an inquiry into future mesne profit has already been admitted on 08.01.2020.

2. I have heard the learned counsel for the applicant and the learned counsel for the respondents/original decree holders. The impugned judgment and decree which is one for delivery of possession of immovable property, would be liable to be stayed on

usual conditions, particularly in view of the fact that, the second appeal is already admitted.

3. In that view of the matter, following order is passed:

a) The execution and effect of the impugned judgment and decree is hereby stayed, pending disposal of the appeal, subject to the condition that the applicant shall not part with the possession of the immovable property and shall not create any third party interest in the same.

b) It is made clear that the inquiry into future mesne profits can continue before the executing court.

c) Civil Application is disposed of accordingly.

C.V. BHADANG, J.