

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**16 CIVIL APPLICATION NO.11929 OF 2022
IN FA/165/2019**

**DINESH CHAMPALAL MUNOT
VERSUS
PARAG MOHANLAL MANDHANA AND OTHERS**

...
Advocate for Applicant : Mr. Gholap Ajit M.
Advocate for Respondent Nos.1 to 2-A : Mr. L. B. Palod

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.08.2022

PER COURT :

. Heard rival submissions.

2. The applicant, who is original defendant in Special Civil Suit No.114/2012 is claiming stay to the execution of judgment in the aforesaid suit dated 06.09.2018 passed by learned 9th Civil Judge S..D. Ahmednagar whereby specific performance is granted in favour of present respondents, who are the original plaintiffs.

3. The learned counsel for the respondent submits that in case of stay to the execution of impugned judgment and decree, the applicant -defendant shall pay the amount of decretal cost as awarded by the trial Court. He further submits that the applicant

shall not alienate the suit land during the pendency of this appeal.

4. In view of the same, the impugned judgment and decree dated 06.09.2018 in Special Civil Suit No.114/2012 is hereby stayed during the pendency of appeal subject to condition that the applicant defendant shall deposit the decretal cost amount with this Court within 2 weeks.

5. It is further directed that the applicant - defendant shall not create any third party right in respect of the suit land during the pendency of this appeal. Accordingly the application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-