

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO.32 OF 2022
IN SA/516/2010

ALI MOHAMMED DADA SHAIKH
VERSUS
NIVRUTTI BANDA KARANDE(DIED) LRS MUKTABAI PRABHAKAR GUND AND OTHERS

...
Advocate for Applicant : Mr. D.R. Bhadekar
Advocate for Respondents : Mr. P.K. Nikam
...

CORAM : MANGESH S. PATIL, J.

DATE : 21 FEBRUARY 2022

PC :

By the order dated 28-09-2010, this Court had granted stay to the operation and execution of the decree for possession subject to condition, inter-alia, that the appellant would not create any encumbrance over the property in dispute.

2. By way of this application, the respondents who were original plaintiffs are now complaining about breach of the condition. They have also produced a copy of the mutation entry no. 3881 prima facie showing about the appellant having created an encumbrance of a bank on the suit property and even a mutation to that effect has been certified.

3. In spite of giving sufficient opportunity to the appellant to respond to this application, once again Mr. Nikam on his behalf seeks time.

4. For the reasons mentioned herein-above, the interim relief shall stand vacated.
5. Civil Application is disposed of.

[MANGESH S. PATIL]
JUDGE

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