

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

**SECOND APPEAL NO. 260 OF 2021
ALONGWITH
CIVIL APPLICATION NO. 1020 OF 2018
IN
SECOND APPEAL NO. 260 OF 2021**

Sanjay Shankarrao Mali ...Appellant/Applicant
vs.
Pandharpur Municipal Council ...Respondent

Mr. Satish S. Raut a/w Bhagyashree Ranade - Advocate for the Appellant/
Applicant
Mr. Sarang S. Aradhye - Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 02nd AUGUST, 2022

P. C. :-

CIVIL APPLICATION NO. 1020 OF 2018

1. Heard, learned Advocate for the Appellant/Defendant and learned Advocate for Respondent-Plaintiff.
2. The suit filed by the plaintiff-Pandharpur Municipal Council for possession was dismissed. Whereas the First Appellate Court set aside the said judgment and decreed the suit and directed the defendant to handover the possession.
3. This Court has already admitted the present appeal by framing

substantial questions of law vide order dated 27/02/2020. They were framed on the basis of the substantial questions of law framed in connected Second Appeal 675 of 2017 (wherein plaintiff is the same that is present Respondent)

4. There was also direction to hear the present appeal alongwith Second Appeal No. 675 of 2017.

5. Learned Advocate for the Appellant placed reliance on the copy of the Order dated 13/09/2017 passed in Civil Application No. 1286 of 2017 in connected Second Appeal No. 675 of 2017. This Court has directed the Corporation/Council to maintain status-quo in respect of suit property. Similar order is pressed in the present Application.

6. Similarly there was Second Appeal No. 508 of 2017 filed by another licensee of Pandharpur Municipal Council. It was preferred against possession decree passed by the First Appellate Court. This Court was pleased to dismiss the Second Appeal at admission stage as per Order dated 20/02/2018. The Appellant then has taken up the matter before the Hon'ble Supreme Court by way of Special Leave to Appeal. The operation of judgment passed by this Court was stayed by the Hon'ble Supreme Court. Those copies are placed on record on behalf of the Appellant.

7. The sum and substance of the contention of both the parties is that the fate of this appeal depends upon the outcome of the decision of the

matter pending before Hon'ble Supreme Court.

8. In view of the above situation prayer clause 'b' and 'c' are granted.
There will be a stay to the execution of the impugned judgment till the
final disposal of the Second appeal.

9. The Civil Application No. 1020 of 2018 is disposed of.

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10. Place the Appeal as per usual turn.

11. Parties are at liberty to seeks circulation if there is any Order passed
by the Hon'ble Supreme Court in that matter.

[S. M. MODAK, J.]