

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

**CIVIL APPLICATION NO.714 OF 2018
IN
SECOND APPEAL NO.453 OF 2018**

Chandrakant Shankarsa Chavan & Anr. ..Applicants
Versus
Sou. Chandrakala Balayya Kodam ..Respondent

Mr. Bhushan Walimbe i/by Priyal Sarada, for the Applicants.
Mr. Ashok B. Tajane, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th OCTOBER, 2022

PC.

1. By this application the appellant has sought stay to the execution of the decree.
2. In the backdrop of the question of law framed by this Court, the present application in my opinion needs to be allowed, as primarily the provisions of Order II Rule 2 of CPC are incorrectly invoked by the lower appellate court.
3. That being so, the application stands allowed in terms of prayer clause (c).

[NITIN W. SAMBRE, J.]