

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

WRIT PETITION 5012 OF 2022

Raju alias Rahim Yunus Chhagla Memon Yunus Chhagla ...Petitioner

vs.

Vilas Raghunath Kand & Ors.

...Respondents

Mr.Surel S. Shah with Prashant Darandale for Petitioner.

Mr.G.R. Agrawal for Respondents 1 and 2.

CORAM : ROHIT B. DEO, J.

DATED : 21 JULY 2022

P.C. :

1. This petition seeks to assail the order dated 27.1.2022 rendered by the District Judge-14, Pune in Civil Appeal 590/2019 whereby the operation and execution of the judgment and decree is stayed.

2. The appeal is preferred by the third party after securing leave to prefer appeal.

3. While deciding Civil Revision Application 316 of 2022, I have set aside the order granting leave to defend on the ground that all the parties were not heard and the matter is remitted. In this view of the matter, the order impugned is also set aside and the application for grant of stay to the operation and execution of the decree impugned shall be considered only after the decision below Exhibit 8 which is the application seeking leave to defend.

4. Till the decision on application Exhibit 8, and after leave to

appeal is granted, till the decision on application for granting interim relief, the parties shall maintain status quo as regards the possession of the suit property.

5. The petition is disposed of.
6. Needless to observe all contentions are left open.

(ROHIT B. DEO, J.)