

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4154 OF 2021
IN
FIRST APPEAL NO.21 OF 2022

Vishnu Pandurang Kadu & Ors.] ... Applicants

Vs.

Shri Balkrushna Laxman Kadu]
(Deceased) through LRs & Ors.] ... Respondents

...

Mr. Atul Rajadhyaksha, senior advocate with Mr. Akhilesh Dubey, Mr. Vagish Mishra, Mr. Uttam Dubey, Mr. Rajuram Kuleriya, Mr. Varad Dubey i/b Law Counsellors for the applicants/petitioners.

Mr. Surel S. Shah i/b Mr. Jayesh Joshi for respondent Nos.1.1 to 1.3, 3 and 4.

Mr. Panchshil Patil h/f. Mr. A.M. Kulkarni for CIDCO.

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**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.**

DATED : 30TH SEPTEMBER, 2022.

P.C.:-

1. The applicants/original appellants seek stay of the common judgment dated 23/09/2021 passed by learned Civil Judge,

Senior Division, Panvel, District Raigad in Special Civil Suit No.391 of 2013 and in RCS No.799 of 2012.

2. By a separate order passed by this Court on 21/12/2021, the first appeal filed by the applicants has already been admitted. This Court has already granted ad-interim relief of *status-quo* in paragraph No.8 of the said order and further directed that no allotment be made until the returnable date.

3. Our attention is invited to the letter of allotment issued by CIDCO at page No.315 of the paper-book on 24/01/2008 under 12.5% scheme of the State Government to Laxman Bhoka Kadu (dead) and others.

4. It is common ground that in view of the ad-interim relief granted by this Court, no further steps are taken by CIDCO in furtherance of letter dated 24/01/2008.

5. Since the appeal is already admitted, we pass the following interim order, which would continue during the pendency of the first appeal.

6. CIDCO shall not take any further steps in furtherance of letter dated 24/01/2008 and shall not handover possession of the land allotted pursuant to letter dated 24/01/2008 in favour of any of the parties to this proceedings.

7. Interim application is disposed off in the aforesaid terms.
8. Hearing of the appeal is expedited. The paper-book is dispensed with.
9. The applicants are permitted to file private paper-book with a copy to be served on the other side, within one year from today.

[KAMAL KHATA, J.]

[R. D. DHANUKA, J.]