

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 14015 OF 2023
IN
SECOND APPEAL NO. 69 OF 2006**

Kant Narsappa Sutar

.. Applicant

Versus

Latiba Gundaji Gaikwad
(deceased through his L.Rs.)
Suresh Latiba Gaikwad and others

.. Respondents

Mr. S. S. Gangakhedkar, Advocate for the Applicant.
Mr. P. V. Brde, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 28th NOVEMBER, 2023.

P. C. :-

. This application is moved by the appellant – original claimant. The suit of the plaintiff was decreed against which the first appeal was preferred. The First Appellate Court reversed the decree passed by the Trial Court. However, during the pendency of the first appeal, the decree passed by the Trial Court is already executed and the present applicant is put in possession. This fact is recorded by this Court while admitting the second appeal by its order dated 26.10.2007. The applicant has filed this application seeking status quo.

2. It is the submission that, though this Court has recorded that the appellant/applicant is already in possession, still the respondents are trying to create obstruction on the basis of decree passed by the First Appellate Court.

3. The application is vehemently opposed by Mr. Barde, learned advocate for respondent stating that the Appellate Courts' decree is in favour of the respondents and they have every right to get it executed.

4. This Court finds that, since this Court has already framed substantial question of law and has admitted the appeal by specifically recording that the applicant is already put in possession, it is desirable to maintain status quo in respect of the possession.

5. In view of the same, the civil application is allowed in terms of prayer clause (B) and is disposed off.

6. The parties are free to move the appeal for hearing.

(KISHORE C. SANT, J.)

PS.B.