

Arjun

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

**CIVIL APPLICATION NO.1514 OF 2014
IN
SECOND APPEAL NO.639 OF 2014**

Badshah Bapu Kotwal & Ors. ...Applicants

V/s.

Abdul Bukas Kotwal & Ors. ...Respondents

Mr. Dilip B. Shinde, for the Applicants.

Mr. Mahendra Deshmukh i/b V. M. Mali, for the
Respondents.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 11th JANUARY, 2023**

P.C.:

1. By separate order dated 11th January, 2023, the Second Appeal is admitted on the substantial question of law framed therein.

2. The suit for the perpetual injunction and alternatively for possession is dismissed by the learned Trial Court and the said Judgment and Decree is confirmed by the learned Appellate Court. Therefore, there is no question of stay on such Judgment, by which, the suit has been dismissed.

3. However, the parties are directed not to create any third party interest with respect to the suit property till the disposal of the Second Appeal.

4. The Civil Application is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)