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

**INTERIM APPLICATION NO.1498 OF 2021
IN
SECOND APPEAL NO. 370 OF 2021**

Sushant Ajitkumar Dass & Anr. ...Applicants
Versus
Satish Vithalrao Kitkaru & Anr. ...Respondents

Mr. Uday B. Nighot, for the Applicants.

Mr. R. M. Pande a/w. Ranjit Sandey, i/b. Piyush Pande, for the Respondents.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 20th FEBRUARY 2023**

P.C. :

1. By separate order dated 20th February 2023, the Second Appeal is admitted on the substantial questions of law framed therein. By the order dated 15th July 2021, ad-interim relief in terms of prayer clause (b) is already granted. Therefore, the execution of the impugned Judgment and Decree is stayed till the disposal of the Second Appeal.

2. The Applicants shall not create any third party interest with respect to the suit flat till the disposal of the Appeal.

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However, this will not preclude the Applicants from giving the suit flat on leave and license basis.

3. Liberty is granted to apply for fixing the early date of hearing of the Second Appeal.

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

[MADHAV J. JAMDAR, J.]