



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

**CIVIL APPLICATION NO. 6342 OF 2019
IN SECOND APPEAL NO. 281 OF 2019
WITH SECOND APPEAL NO. 7 OF 2020**

**AMRUTA RAMRAO CHAVHAN
VERSUS
GANGADHAR UMAJI FEGADE**

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Mr. R. V. Gore, Advocate for the applicant
Mr. S. B. Ghatol Patil, Advocate for the respondent

**CORAM : R. M. JOSHI, J.
DATE : 11th JANUARY, 2024**

P.C. :-

1. This application is filed by the appellant in Second Appeal No. 281/2019 seeking stay to the directions of the First Appellate Court to the Collector to take the suit property in his possession on or before 1st June, 2019 by following due process of law. The said direction was passed pursuant to the dismissal of appeal filed by original plaintiff.

2. The original plaintiff as well as defendant have preferred Second Appeal No. 281/2019 and 7 of 2020 challenging the said judgment and order passed by the First Appellate Court. Both appeals are admitted as substantial question of law is found to be involved therein. Neither Trial Court nor the First Appellate Court has recorded any finding in favour of

plaintiff. On the other hand there is no dispute about the fact that the defendant is in possession of the suit property. In such circumstances, during the pendency of these appeals, position in respect of the suit property deserves to be maintained as on the date of the filing of the suit. Hence, civil application is allowed in terms of prayer clause 'B'.

(R. M. JOSHI, J.)

ssp