

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

**INTERIM APPLICATION NO.7887 OF 2024
IN
SECOND APPEAL (STAMP) NO.6044 OF 2024**

State of Maharashtra
through District Collector
V/S
Subhangi Sudhir Ghatе

....Appellant

....Respondent

Mr. A.R.Patil, Additional GP for the Appellant/State.
Mr. Sandesh Patil i/b Mr. Saakshat Relekar for Respondent.

CORAM: SANDEEP V. MARNE, J.
DATE : 03 MAY 2024.

P.C.:

1 This Interim Application is filed seeking stay of the decree passed by the First Appellate Court. The Second Appeal is admitted by framing substantial questions of law. It appears that the Regular Civil Suit was instituted on 1 February 2014 and the Trial Court refused to grant injunction in favour of Plaintiffs by its decree dated 9 December 2019. It appears that during pendency of the Suit, Plaintiffs were not armed with an order of temporary injunction. There is nothing to indicate that during pendency of the Appeal before the First Appellate Court, any injunction was granted in favour of the Plaintiffs. The injunction is clamped for the first time by way of decree of the First Appellate Court dated 16 June 2023. It thus appears that during pendency of the entire litigation between the parties from 1 February

2014 till the decree was passed by First Appellate Court on 16 June 2023, Plaintiffs were not protected by any order of injunction. In that view of the matter, there shall be stay to the decree of the First Appellate Court dated 16 March 2023 during pendency of the Appeal.

2 Interim Application is accordingly disposed of.

(SANDEEP V. MARNE, J.)