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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 524 OF 2017
WITH
CIVIL APPLICATION NO. 673 OF 2017
IN
SECOND APPEAL NO. 524 OF 2017**

Shri Khanderao Appasaheb Londhe and ... Appellants/Applicants
Ors

vs.

Nagesh Baburao Rampure and Mevekari ... Respondents
and Ors

Mr. Dundapa B. Patil, for Appellants/Applicants.

Mr. Ajay Raje Nimbalkar i/b. Mr. S.S. Patwardhan, for Respondents.

CORAM : GAURI GODSE, J.

DATED : 11th NOVEMBER 2024

ORDER:

CIVIL APPLICATION NO. 673 OF 2017

1. Second appeal is already admitted.
2. By this application, prayer is made directing the trial court not to proceed with the final decree proceedings. The decree is for handing over possession of the mortgaged property on redemption.

3. Learned counsel for the applicants on instructions submits that final decree proceedings are decided. He further submits that the applicants have filed first the appeal challenging the order passed in First Appeal No. 42 of 2023 in the District Court to challenge the final decree. He therefore submits that the civil application has become infructuous. He, however, submits that the applicants' possession be protected.

4. Since, the impugned decree is for handing over possession, it is necessary to grant stay to the impugned decree of handing over actual possession. Hence, during the pendency of the second appeal, by way of interim relief, there will be a stay to handing over actual physical possession as per the impugned decree.

5. Civil application is disposed of in the above terms.

(GAURI GODSE, J.)