

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17785 OF 2023  
IN  
SECOND APPEAL NO.443 OF 2023

Dattatray Gopal Mhatre .....Appellant/Applicant  
V/S  
Neerabai Tukaram Mhatre & Ors. ....Respondents

Mr. Rohit D. Joshi for the Appellant/Applicant.  
Mr. Suyash Sule a/w Mr. Drupad S. Patil for Respondent.

**CORAM: SANDEEP V. MARNE, J.**  
**DATE : JANUARY 3, 2024.**

P.C.:

The Interim Application is filed seeking stay of the orders of the Trial Court and the First Appellate Court. The Appeal is already admitted by passing a separate order. It is undisputed position that the Defendants are in possession of the suit property. It also appears that during pendency of the Appeal before the First Appellate Court, the decree of the Trial Court directing possession was suspended. In that view of the matter, there shall be stay to the decree dated 23 April 2010 passed by the 3<sup>rd</sup> Joint Civil Judge Junior Division, Alibagh and to the judgment and order dated 7 December 2022 passed by the District Judge-3, Raigadh in Civil Appeal No.64 of 2010 during pendency of the Appeal subject to the condition that the parties shall maintain *status quo* and shall not create

any third party rights in respect of the suit property. The Interim Application is accordingly disposed of.

**(SANDEEP V. MARNE, J.)**

Digitally  
signed by  
SUDARSHAN  
RAJALINGAM  
KATKAM  
Date:  
2024.01.06  
11:37:58  
+0530