

MHAH010078012024

**IN THE COURT OF DISTRICT JUDGE-7 AT AHMEDNAGAR.****REGULAR CIVIL APPEAL NO. 260/2024****Nanasaheb Yashwant Gholap & Ors.****Vs.****Mohan @ Mohiniraj Bapurao Bhapkar & Ors.****ORDER BELOW EXH. 7**

This is an application filed by the appellants/original defendant nos.5A to 5E for grant of stay to the effect and operation of the Judgment and decree passed in Regular Civil Suit no. 144/2019 on 08.10.2024 by 19th Jt. Civil Judge Senior Division, Ahmednagar.

2. It is contended that the suit was filed by the plaintiff i.e. present respondent no.1 for declaration and perpetual injunction, which came to be partly decreed with costs on 08.10.2024 and thereby granted a permanent injunction restraining the appellants from obstructing the plaintiff's possession of the suit property. The appellants contended that the suit property has been in their possession through a registered sale-deed dated 06.03.1996. The Trial Court failed to

consider that the plaintiff's challenge to the revenue records and mutation entries with delay application which was dismissed by SDO and Additional Collector. The suit was barred by limitation for relief of declaration, the Trial Court granted a decree for possession/injunction. If the decree is executed before the merits of the appeal, the appellants will suffer irreparable loss, which cannot compensate in terms of money.

3. After service of notice to the respondents, respondent no.1 appeared but failed to file his say. Hence, the matter is proceeded without say against him by order dated 14.01.2026. After service of notice to respondent nos.2 to 4 through R.P.A.D. at Exh.27/1 to 27/3, but they failed to appear before the Court. Hence, the matter is proceeded *ex parte* against them by order dated 12.02.2026.

4. Respondent nos.5A & 5B appeared and filed their say at Exh.21. It is the contentions of the respondents that the appellants have no prima facie case, that the Trial Court's finding on possession is based on evidence and that the appellants are merely formal parties in certain aspects.

5. After perusing the records and the impugned judgment, the Court finds that there is a bona fide dispute regarding the legality of the sale-deeds and the actual physical possession of the property. If the respondents act upon the

decree to change the status of the property or create third-party interests while the appeal is pending, it would lead to a multiplicity of proceedings. If stay is not granted, the appellants will face irreparable loss, which cannot compensate in terms of money. The appellants have shown a "*prima facie*" case for the appeal to be heard on its merits. Hence, I find sufficient reason in application to stay the effect and operation of the Judgment and decree passed in Regular Civil Suit no. 144/2019 on 08.10.2024 by 19th Jt. Civil Judge Senior Division, Ahmednagar till decision of this appeal. Considering all above facts and circumstances, I proceed to pass the following order -

ORDER

1.	Application below Exh.7 is allowed.
2.	The effect and operation of the Judgment and decree passed in Regular Civil Suit no. 144/2019 on 08.10.2024 by 19 th Jt. Civil Judge Senior Division, Ahmednagar is stayed till final decision of the main appeal.
3.	Both the parties are directed to argue the matter on main appeal, otherwise necessary order will be passed.

Date : 17.03.2026.

(Rajesh M. Tayade)
District Judge-7,
Ahmednagar