

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

**SECOND APPEAL NO.489 OF 2018
WITH
CIVIL APPLICATION NO.1120 OF 2018
IN
SECOND APPEAL NO.489 OF 2018**

Sau. Kamalbai Zuraji Mandale ...Appellant
Versus
Sau. Kusumbi Mahipat Mandale &
Ors. ...Respondents

.....

Mr. Rameshwar N. Gite for the Appellant.
None for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th DECEMBER, 2018

P.C.:-

The Appellant herein has challenged the judgment and decree dated 23.6.2017 whereby the Appellate Court has set aside the judgment and decree dated 15.2.2011 passed by the learned Trial Court in Regular Civil Suit No.48 of 2004 and consequently decreed the suit with direction to the Appellant No.1 to hand over vacant possession of 21 R land which is allegedly encroached by her.

2. I have perused the records. The learned counsel for the Appellant submits that execution proceedings have already been filed

and the matter is fixed today for issuing warrant of possession.

3. Considering the above facts, so also the findings recorded by the Trial Court, in my considered view it is necessary to maintain status-quo as regards possession of the suit property till the next date of hearing. Hence, ad-interim relief is granted in terms of prayer clause (a) of the application till the next date of hearing.

4. Issue notice to the Respondents, returnable on **14.1.2019**. Private service is permitted.

(SMT. ANUJA PRABHUDESSAI, J.)