

RSA No.54 of 2016.

14.07.2017 Present: Mrs. Megha Kapur Gautam, Advocate for the appellant.

Mr. Pawan Gautam Advocate vice counsel for respondents No.1 to 6.

Respondent No.7 already exparte and none for respondent No.8.

CMP No. 944 of 2016.

Heard. Learned trial Court has decreed the suit whereby Will dated 19.5.1980 of late Smt. Ramku has been declared as illegal, wrong, null and void. The mutation attested on the basis thereof has also been declared to be illegal null and void. The defendants herein have also been restrained from claiming any right, title or interest over the share of late Smt. Ramku in the suit land. In appeal learned lower appellate Court has affirmed the judgment and decree passed by the trial Court and dismissed the appeal. In these circumstances, order staying the execution of the impugned judgment and decree could have not been passed and rather a direction to the parties to maintain status quo qua the nature and possession of the suit land is an appropriate order, which at this stage would serve the ends of justice and also necessary to preserve the present status of the land in dispute in order to enable the party, which ultimately succeeds, to execute the decree effectively and judiciously. Therefore, this application is allowed. Consequently, in modification of the interim order passed in this application on 19.2.2016, the parties are directed to

maintain status quo qua the nature and possession of the
suit land. The application is accordingly disposed of.

July 14, 2017 (ps) (Dharam Chand Chaudhary),
Judge