

RSA No. 126 of 2015.

21.8.2015. Present: Mrs. Devyani Sharma, Advocate, for the appellant.
Mr. P.S. Goverdhan, Advocate, for the respondent.

CMP No. 3423 of 2015

Heard. Reply stands filed. In this application, a prayer has been made for staying the execution of the decree passed in counter claim, whereby the appellant-plaintiff has been directed to execute sale deed in favour of respondent-defendant. The appeal stands admitted for final hearing. The respondent-defendant is in possession of the suit land. No prejudice is likely to be caused to the respondent-defendant in case the execution of the sale deed, consequent upon the decree under challenge is deferred at this stage, because the suit land is in his possession and as such he is enjoying usufruct thereof. Therefore, execution of that part of the judgment and decree under challenge, requiring the appellant-plaintiff to execute the sale deed in favour of the respondent-defendant shall remain stayed during the pendency of the appeal in this Court. The application is accordingly allowed and stands disposed of.

(Dharam Chand Chaudhary),
Judge.

August 21, 2015,
(vs)