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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.3004 OF 2011  
IN  
FIRST APPEAL NO.496 OF 1999

Dudhnath Mishra (deceased) & Ors      ...Applicants  
vs.  
Shivshaktidevi R.Mishrat & Ors.      ...Respondents

Mr.P.G.Lad for the applicants  
Mr.V.R.Tripathi for the respondents

CORAM : A.S.OKA,J.  
DATE : JULY 29, 2011

P.C.:

1      Heard learned counsel for the applicants. The applicants are the respondents in the First Appeal filed by the respondents in this application. The respondents in this application are the plaintiffs. The suit has been dismissed by the impugned decree.

2      The submission of the learned counsel for the applicants is that the respondents are trying to dispossess the applicants and therefore, interim order made during the pendency of the suit may be continued till the final disposal of the appeal. The applicants are the respondents (defendants) in the appeal. The suit filed by the respondents in the Appeal has been dismissed. If the applicants are claiming to be in possession and their possession is sought to be disturbed by the respondents, it is for the applicants to take out appropriate substantive proceedings. Hence, application is rejected by granting liberty to the applicants to file appropriate proceedings.

JUDGE