

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Civil Application No. 4668 of 2015
In
Civil Application No.6394 of 2001
In
Second Appeal No.343 of 1999**

Tulshidas s/o Dnyanoba Taur
And Others.

.. Applicants.

Versus

Baburao s/o Trimbak Shejul
Deceased, through legal
representatives.

.. Respondents.

Shri. B.S. Kudale, Advocate, for applicants.

Shri. M.P. Tripathi, Advocate, holding for Shri. N.B.
Khandare, Advocate, for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 2nd SEPTEMBER 2015

ORDER:

1) The application is filed for vacating interim relief granted by this Court by which stay to the execution of the partition decree is granted by this Court. Seen the previous orders made by this Court dated 28-8-2015 and

also 27-4-2015. Learned counsel Shri. Tripathi holding for Advocate N.B. Khandare is present. It was submitted by the learned counsel for the decree holder that the order made which was conditional is not complied with. When the judgment debtor was expected to deposit Rs.10,000/- per year he has not deposited anything and so the interim relief is liable to be vacated. These submissions are not rebutted. Nothing is produced to show that the amount was deposited and the order was complied with. In view of these circumstance, the application is allowed. Interim relief is vacated. List the second appeal for final hearing on 16th September 2015 as per convenience of the counsel for the appellant.

Sd/-
(T.V. NALAWADE, J.)

rsl