

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.2466 OF 2015  
IN  
FIRST APPEAL NO.1101 OF 2014

Popatrao Ramchandra Ingale  
& Others

.... Applicants

Vs.

Pralhad Ramchandra Ingale

.... Respondent

Mr. Samarth R. Moray i/b Mr. Vishwanath S. Talkute  
for the Applicants.

Mr. N.M. Sathaye for the Respondent.

**CORAM:** A.S. OKA &  
REVATI MOHITE DERE, JJ.

**DATED:** AUGUST 03, 2015

**P.C:**

1. Heard the learned counsel appearing for the applicants and the learned counsel appearing for the respondent. The impugned degree is of partition. The appeal has been admitted against the impugned decree.

2. The learned counsel appearing for the respondent/original plaintiff submits that the property/subject-matter of the suit is a hotel premises and the applicants are

earning income from the hotel premises.

3. We dispose of the application by passing the following order:

ORDER

(i) The partition proceedings in terms of the impugned decree shall continue. However, the actual physical partition by metes and bounds shall not be effected without prior permission of this Court.

(ii) This order will not preclude the respondent from filing a separate application seeking appropriate relief as regards the income earned by the applicants.

(iii) The application is disposed of in above terms.

(REVATI MOHITE DERE, J.)

(A.S. OKA, J.)