

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.842 OF 2015
WITH
CIVIL APPLICATION No. 1030 OF 2015
IN
APPEAL FROM ORDER NO.842 OF 2015**

Ashok Waman Nikam & anr. ... Applicants/Appellants
VS
Smt. Sushila Trambak Nikam & ors. ... Respondents.

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Mr. Satyajeet P. Dighe , Adv. for Applicants/Appellants.
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CORAM : MRS.MRIDULA BHATKAR, J.

DATED : SEPTEMBER 08, 2015

P.C. :

None appear for the Respondents. Issue notice to the respondent Nos. 1, 2 and 3, returnable on 06/10/2015. Additionally, private service on the respondent Nos.1, 2 and 3 is granted and the learned advocate for the applicants shall file an affidavit of service with acknowledgement on or before the returnable date.

2. Learned counsel for the applicants/appellants i.e., the original plaintiffs, submit that respondent No.1 is their paternal aunt and applicants and the respondent No.2 have inherited land i.e. Gat No.1182 admeasuring 4 Hectares and 13 R and out of the said area, the respondent No.1 has sold her undivided share admeasuring 2 Hectare, 6.5 R. However, out of this property,

the portion which is sold, is not identified in the Sale Deed. The applicants are co-owners in the suit property. He further submits that the suit is based on Section 22 of the Hindu Succession Act as the plaintiffs i.e. applicants/appellants, are ready to purchase the said undivided share and already agreement of sale has been entered into by the applicants with respondent No.1 prior to the impugned sale deed.

3. In view of submissions of the learned Counsel for the applicants, stand over to 6.10.2015. Till then, ex-parte ad-interim relief is granted to the extent that the respondents shall not create any third party interest in the suit property and also shall not disturb the possession of the applicants in the suit property.

(MRIDULA BHATKAR, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed Order.