

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

**CIVIL APPLICATION NO.1002 OF 2014
IN
SECOND APPEAL NO.442 OF 2014**

Shri Mahadeo Kashinath Kole .. Applicant.

V/s

Shri Sadashiv Kashinath Kole and ors. .. Respondents.

Mr. T.S. Ingle, for the Applicant.

Mr. Dilip Bodake, for the Respondent No.3A to 3F.

CORAM : RAVI K. DESHPANDE, J.

DATED : 17th JULY, 2015

P.C.

1. In view of the objection raised by the respondents, the learned counsel for the applicants submits that relief claimed in the application be restricted to prayer clause - (a) with liberty to the applicants to file the separate application for grant of injunction.
2. In view of this, the present Civil Application is treated as under Order 41 Rule 5 of the Code of Civil Procedure and the applicants are at liberty to file the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure.

3. The execution of the decree for partition shall go on.
However, the possession and partition shall not be disturbed. Stand over after 8 weeks.
4. The Civil Application is disposed off.

(RAVI K. DESHPANDE, J.)