

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

**CIVIL APPLICATION NO.1165 OF 2010
IN
SECOND APPEAL NO.361 OF 2010**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.A.P. Kulkarni for the applicant

Mr.Sachin B. Chandan for the respondent no.1

**CORAM : K.K.TATED, J.
DATED : 07/09/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by defendant nos.
- 2 to 6 for stay of the operation and implementation of the judgment and decree dated 2.4.2005 passed by learned Civil Judge, Junior Division, Daund in Regular Civil Suit No.6 of 2003 confirmed by the appellate court vide its decree dated 10.3.2010 in Regular Civil Appeal No.59 of 2005.
- 3 The learned counsel for the applicant submits that the Second Appeal is admitted by this court. He submits that the Trial Court by decree dated 2.4.2005 appointed the Court Commissioner to

effect the partition of the house property by metes and bounds including other properties by the District Collector, Pune.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for following order:

- a) Partition proceedings to go on except handing over actual possession to the respective parties.
- b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)

CERTIFICATE

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