



decreed by the trial Court on 26/08/2013. Aggrieved by that decision, petitioners herein have preferred Appeal. Pending the Appeal, they took out application at Exhibit 5 for stay of the trial Court's decree. Mr.Hande submitted that the learned District Judge, however, did not grant injunction restraining the respondents from creating third party interest. Perusal of the application at Exhibit 5 shows that the petitioners have prayed only for stay of the trial Court's decree. Having regard to the fact that decree is passed in a partition Suit, the learned District Judge had stayed decree only in respect of handing over of possession to the parties. In other words, the learned District Judge did not stay partition proceedings. In view thereof, the partition proceedings will go on save and except handing over of possession. As the petitioners did not file application praying for injunction, there was no question of learned District Judge's considering such prayer.

4. In view thereof, I do not find the learned District Judge committed any error in passing the impugned order. Hence, Petition fails and the same is dismissed reserving liberty to the petitioners to take out application for injunction restraining respondents from creating third party interest. If such application is taken, the learned District Judge will consider it on its own merits and grant of such liberty shall not be construed as expression of opinion on merits.

**(R. G. KETKAR, J.)**