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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11727 OF 2016
IN
CIVIL APPLICATION NO.14374 OF 2015
IN
SECOND APPEAL NO.687 OF 2010

Keshav Bhivsan Sonawane (Died) LRs	APPLICANTS
VERSUS	
Pira Rupla Saindane (Died) LRs and Others	RESPONDENTS

.....
Mr. Subodh P. Shah, Advocate for the applicants
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 26th AUGUST, 2016

ORDER :

1. Issue notice to respondents, returnable on 23rd September, 2016.

2. Learned advocate for the applicants points out that as a matter of fact, while the second appeal had been pending, interim relief in the shape of stay to the execution of decree had been operating. The original respondent in the second appeal appears to have been keeping close watch, but, had not appeared in the second appeal for quite some time. However, as soon as the second appeal was dismissed for non serving said respondent, a caveat came to be filed on his behalf for him being heard in the restoration application. While the restoration

application had been pending, the original respondent died. However, execution proceedings were being prosecuted by legal heirs of original respondent in the second appeal. As such, said legal heirs are brought on record in the restoration application. However, they are avoiding service from quite a long time and the execution is being moved ahead. He submits that as a matter of fact, notice to said legal heirs of original respondent are issued on the registered addresses as are given in the execution proceedings by them, however, in spite of it their service are not being effected. He, in the circumstances, urges for interim relief, since the applicants' long standing possession over the suit property is likely to be affected.

3. Having regard to aforesaid, till the returnable date, there shall be *ad interim* relief in terms of prayer clause "A".

4. In addition to court process, the applicants to serve the respondents privately by any legally admissible mode and to file an affidavit with tangible proof of service. In case of failure to serve the respondents, the *ad interim* relief would cease to operate.

[SUNIL P. DESHMUKH, J.]

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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11726 OF 2016
IN
SECOND APPEAL NO.687 OF 2010

Keshav Bhivsan Sonawane (Died) LRs

APPLICANTS

VERSUS

Pira Rupla Saindane (Died) LRs and Others

RESPONDENTS

.....
Mr. Subodh P. Shah, Advocate for the applicants
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 26th AUGUST, 2016

ORDER :

1. Prayer clause "A" in the civil application stands granted.

. Issue notice to respondents No.1A and 1G, returnable on
23rd September, 2016 in respect of prayer clause "B" and "C".

[SUNIL P. DESHMUKH, J.]

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