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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL NO. 249 OF 2016
WITH CA/14544/2016 IN SA/249/2016**

**SHRIKISHAN VACHISTA HANDIBAG AND OTHERS
VERSUS
PANDURANG RAMCHANDRA @ RANGRAO REVALKAR AND
OTHERS**

...
**Advocate for Appellants : Salunke V.D.
Adv. Shri M.D.Narwadkar For R.1 & 2(3) To 2(5)-cvtr**

...

**CORAM : SUNIL P. DESHMUKH,J.
DATE : 17/11/2016**

PER COURT :-

The Second Appeal has been preferred against order dated 28/7/2015 which in turn had challenged order passed below Exhs.8, 69 and 71 in Regular Darkhast No.7/2001 pending before Civil Judge, Senior Division, Kaij, Dist.Beed. However, looking at the provisions under Sections 100, 96, 47 and 104 and Order 43 of C.P.C., it does not appear that an Appeal can be maintained against orders of the nature passed on Exhs.8, 69 and 71 in Regular Darkhast No.7/2001. In these circumstances, Second Appeal would hardly be maintainable.

2] Second Appeal as such is disposed of keeping all points open for the parties. Present appellants are at liberty to challenge the impugned orders in other forms and before a forum as may be available in the facts of the case and law.

3] Mr.Salunke, learned counsel appearing for the appellants

however, concerns this Court with a communication to the appellants about the decree being executed on 21/11/2016.

4] At this stage, Mr.Narwadkar, states that instead of this Court passing order of protecting interest of the appellant, he undertakes not to execute the decree till 28/11/2016. As such, it is expected that the decree shall not be executed till 28/11/2016.

(SUNIL P. DESHMUKH,J.)

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