

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

**CIVIL APPLICATION NO. 1245 OF 2013
IN
SECOND APPEAL NO. 306 OF 2014
WITH
SECOND APPEAL NO. 480 OF 2013
WITH
SECOND APPEAL NO. 306 OF 2014**

Vijaysingh Dinkarrao Gharge Desai
& Anr.

..... Applicants

Versus

Babusaheb Dinkarrao Gharge Desai
(Since deceased through L.Rs.)
Smt. Pramodini Babusaheb Gharge Desai
& Ors.

..... Respondents

Mr. Aniket Nikam a/w Ashish Satpute, for Applicants.
P. D. Dalvi, for Respondents.

***CORAM : N. M. Jamdar J.
Wednesday 20 July, 2016***

P. C.

. Heard the learned Counsel for the parties.

2. There cannot be any interim relief as prayed for staying the execution of the impugned order, as it will amount to allowing the Second Appeal.

3. As regards prayer clause (c), the respondents are currently in possession of the property and the Appeal filed by the respondents bearing Second Appeal No. 480 of 2013 is admitted, in which the respondents have contended that the suit property is joint family property. In the circumstance, there will be interim relief in terms of prayer clause (c) till the disposal of the Second Appeal.

4. The Civil Application is disposed of.

(N. M. Jamdar, J.)