

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAS] No.725 of 2014

in

Second Appeal No.300 of 2014

(Sandip Ramsingh Solanke and another

vs.

Lila w/o Narayan Rane and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri I.J. Damle, Advocate for the appellants/appellants.
Shri V.R. Choudhari, Advocate for non-applicant/respondent No.1.*

CORAM : A.S. CHANDURKAR, J.

DATE : APRIL 18, 2016.

Prayer is to stay the execution of decree for partition passed by the Appellate Court. In the application, it is stated that the applicants are in possession of the suit field and are cultivating the same. According to the applicants, there is no evidence on record to show that the suit property was an ancestral property and hence, liable for partition.

In the reply filed on behalf of the respondent No.1, it is stated that the respondent No.1 is aged about 70 years and she has no other means of income. It is further stated that the decree passed by the Appellate Court is on the basis of the evidence on record.

As the appeal has been admitted, it would be necessary to stay the effect and operation of the decree for

partition. The decree passed by the Appellate Court is stayed subject to the condition that the appellants shall deposit an amount of Rs.25,000/- by the end of August of every year by way of security before the trial Court as condition for continuing the stay of execution of the decree. The said amount shall be deposited from this year. These deposits would be subject to final outcome of the second appeal. The appellants shall also not alienate the suit properties during pendency of the appeal.

The civil application is allowed in aforesaid terms and disposed of.

JUDGE

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