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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.206 OF 2016

Shesharao Baburao Rautrao and Others

APPELLANTS

VERSUS

Yamunabai Baburao Rautrao & Another

RESPONDENTS

.....
Mr. Sunil V. Warad, Advocate for the appellants

Mr. H. P. Jadhav, Advocate for respondents No.1 and 2 (Absent)

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 31st JANUARY, 2017

ORDER :

1. Despite service, none appears for the respondents.
2. Heard learned advocate for the appellants. After hearing learned advocate for the appellants following question appears for consideration in the second appeal -

“Whether decisions delivered by the two courts hitherto, about defendant having been not able to prove the contended previous partition stated to have been effected in 1992, and where on evidence it emerges that two sale deeds have in fact been executed by deceased Baburao in 2004 and were not objected to during his lifetime, nor even in the suit, are sustainable?”

3. **Admit.**

[SUNIL P. DESHMUKH, J.]

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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2938 OF 2016
IN
SECOND APPEAL NO.206 OF 2016

Shesharao Baburao Rautrao and Others

APPLICANTS

VERSUS

Yamunabai Baburao Rautrao & Another

RESPONDENTS

.....
Mr. Sunil V. Warad, Advocate for the applicants
Mr. H. P. Jadhav, Advocate for respondents No.1 and 2 (Absent)
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 31st JANUARY, 2017

ORDER :

1. Heard.
2. The second appeal has been admitted on the question as has been framed.
3. As such, there shall be interim relief in terms of prayer clause "B" during pendency of the second appeal.
4. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH, J.]