

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

**CIVIL APPLICATION NO.467 OF 2017
IN
SECOND APPEAL NO.640 OF 2011
WITH
CIVIL APPLICATION NO.468 OF 2017**

Abbas Bapu Mehtar
since deceased through L Rs
1a. Smt. Khairunbi Abbas Mehtar
And Others ... Applicants

Versus

Hanmant Aavadaram Kadam
deceased through L Rs
Mrs. Basawwa Hanmant Kadam
deceased through L Rs
1/A. Pralhad Hanmant Kadam
And Others ... Respondents

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Mr. Mayuresh Labu I/b Deepali Y. Deherkar for the Applicants.
Mr. P.D. Pise for Respondent No.1A to 1C.

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CORAM : S.C. GUPTE, J.

DATE : 23 MARCH 2017

P.C. :

. Civil Application No.468 of 2017 is for bringing on record the legal heirs of the deceased Appellant No.1. There is a delay in taking out the civil application. The delay is, however, explained in the civil application. For the reasons stated in the civil application, the delay is condoned. Civil Application is allowed in terms of prayer clauses (b) and (c). The

amendment to be carried out within two weeks.

2 Civil Application No.467 of 2017 is for stay of the execution of the impugned judgment and decree. The impugned judgment and decree directs the partition and separate possession of the property to the Respondents. Since the Second Appeal is admitted on a substantial question of law, the Applicants/Appellants' possession will have to be protected during the pendency of the appeal. The civil application is disposed of by directing the authority not to hand over physical possession of the property in pursuance of the impugned judgment and decree during the pendency of the Second Appeal.

(S.C. GUPTE, J.)