

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

**CIVIL APPLICATION NO.1234 OF 2015
IN
SECOND APPEAL 1593 OF 2005**

Rajaram Mahadeo Shinde ... Applicant

Versus

Mainabai Rajaram Shinde & Ors. ... Respondents

.....
Mr. A. A. Joshi for the Applicant.

Mr. K. J. Phakade for Respondent No.1.
.....

CORAM : S.C.GUPTE, J.

DATE : 17 FEBRUARY 2017

P.C. :

1. This Civil Application seeks stay of the impugned judgment and decree, which grant partition and separate possession of the suit property. The Application is necessitated due to an Execution Application now made by the Respondents in pursuance of the impugned judgment and decree passed as far back as in 2005.

2. The learned Counsel for the Respondents submits that the appeal itself may now be taken up for hearing. Whilst the appeal can certainly be

expedited, there will have to be some protective order in the meantime. Accordingly, whilst the execution proceedings filed by the Respondents may proceed before the Executing Court/Authority, possession shall not be delivered finally in pursuance of the impugned judgment and decree to any of the parties till the Second Appeal is decided. The Civil Application is disposed of accordingly.

3. The hearing of the Second Appeal is expedited. The Appeal to come up on the hearing board of the week commencing from 27 March 2017.

(S.C.GUPTE, J.)