

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

**CIVIL APPLICAITON NO. 628 OF 2015
IN
SECOND APPEAL NO. 282 OF 2015**

Shri Hindurao Balu Patil & Ors.

...Appellants

vs.

Shri Ananda Balu Patil

...Respondent

Mr.Anand Patil for Appellants/ Applicants.

Mr.Abhijit Adagule for Respondent.

CORAM : S.C. GUPTE, J.

15 FEBRUARY 2017

P.C.:

The civil application seeks stay of the impugned judgment and decree passed by the first appellate court. The impugned judgment and decree is for partition of the suit property. In the present civil application, there is an ad-interim order passed by this court on 16 October 2015 staying the operation and implementation of the impugned judgment and decree to the extent of Gat Nos.291-A, 292-B, 243, 1354 and house property Nos.425 and 525 until further orders. This court made it clear that the partition proceedings could go on in respect of the remaining properties which form the subject of the present appeal.

2 Since this stay has been operating for quite sometime and the appeal has already been admitted by this court after finding a substantial question of law to be decided therein, the civil application is disposed of by continuing the ad-interim order passed by this court on 16 October 2015. The Applicants, for their part, shall not create any third party rights or part with possession of the properties, which are the subject matter of stay in

terms of the present order.

3 The civil application is disposed of accordingly.

(S.C. GUPTE, J.)