

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.343 OF 2017**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Dilip Bodake, Advocate for Petitioners.
Mr.V.S. Talkute, Advocate for the Respondents.

CORAM : R. G. KETKAR, J.
DATE : 11/01/2017

P.C.:

1. Not on board. At the request of Mr.Bodake taken up for admission.
2. Heard Mr.Dilip Bodake, learned Counsel for the petitioners and Mr.V.S. Talkute, learned Counsel for the respondents.
3. This Petition takes exception to the order dated 23.11.2016 passed by the learned District Judge-1, Vaduj below Exhibit-73 in Civil Appeal No.260/2010. By that order, the learned District Judge vacated the stay granted vide order below Exhibit-7 and fixed the arguments on Exhibits-44, 45 and 46 on 25.1.2017. It is not in dispute that the suit for partition is decreed and execution proceedings are filed.
4. In view thereof, there shall be stay to the

decree passed by the trial Court. However, the Executing Court shall proceed with the partition proceedings and shall not hand over the actual and physical possession of the respective shares to the parties. The learned District Judge is requested to dispose of the applications Exhibits-44, 45 and 46 within four weeks from today and dispose of main appeal within a period of eight weeks from today. Petition is disposed of in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)