

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD***

911. WRIT PETITION No. 12124 OF 2018

Subhadrabai W/o Ramdas Ghodke and another ... Petitioners

Versus

Shantabai W/o Ramdas Ghodke and others ... Respondents

Mr. A.M. Sabnis, Adv., h/f. Mr. V.D. Gunale, Adv. for petitioners.

Coram : N.M. Jamdar, J.

Date : 5 December 2018.

ORAL ORDER :

1. Heard the learned Counsel for the petitioners.

2. The learned Counsel for the petitioners submitted that in the appeal filed against the judgment and decree passed by the learned Civil Judge, the learned District Judge-1, Kandhar, has granted complete stay to the operation and execution of the judgment and decree, as a consequence, even the declaration that plaintiff No.1 is legally wedded wife of the deceased and plaintiff No.2 as their adopted daughter, has been stayed. He states that this has created anomalous position since the learned District Judge has observed in impugned

order that the plaintiff No.1 is admittedly the widow of the deceased. The learned Counsel for the petitioners submitted that as regards the executable part of the judgment and decree and stay granted to it, it is not being challenged in this petition but only the above part.

3. The learned Counsel for the petitioners submitted that the petitioners will apply to the learned District Judge for clarification as to whether the impugned order also means suspending the declaration under clause 2 and 3 of the judgment and decree. If such an application is made, the same will be considered by the learned District Judge on its own merits.

4. The writ petition is accordingly disposed of with the above liberty.

N.M. Jamdar, J.