

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

920. WRIT PETITION NO. 13451 of 2018

Prayagbai Rambhau Kadam and another	...	Petitioners
Versus		
Manik, Niwarti Dhage and others	...	Respondents

Mr. S.K. Chavan, Advocate for petitioners.

Coram : N.M. Jamdar, J.

Date : 5 December 2018.

ORAL ORDER:

1. By this petition, the petitioners have challenged the order passed below application Exh. 5 in Regular Civil Appeal No. 57 of 2018 by the learned District Judge-2, Parbhani, dated 26 July 2018 staying the execution of the judgment and decree.

2. The order is purely interlocutory. Apart from this position, if in First Appeal the execution of the judgment and decree is not stayed, the decree would be executed. There is absolutely no reason to interfere in this order.

3. The learned Counsel for the petitioners submitted that the decree being for partition, the measurements can be permitted to be carried out and only the possession part be protected. It is open to the petitioner to seek the modification as sought for by the petitioner, before the learned District Judge, which application the learned District Judge will consider on its own merits.

4. The writ petition is accordingly disposed of.

N.M. Jamdar, J.