

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

CIVIL APPLICATION NO. 459 OF 2018
IN SA/1/2013

MANJABAI EKNATH SHEWALE AND ORS
VERSUS
SAGUNABAI PANDITRAO ANCHALWADKAR THR LRS ASHA MANOHAR
DANSURE AND ORS

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Advocate for the Applicants : Shri Irale Patil D.R.
Advocate for Respondents 1 to 6 : Shri K.C.Sant.
Advocate for Respondents 8 to 10 : Shri A.G.Godhamgaonkar.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th January, 2018

Per Court:

1 The Applicants/ original Appellants in the Second Appeal, are aggrieved by the notice of hearing received from the learned Civil Judge Junior Division, Jafrabad in Regular Darkhast No.10/2006 dated 23.10.2017. By the said notice, the Applicants are directed to show cause why the execution should not be granted under Order 21 Rules 11, 16 and 22 of the Code of Civil Procedure.

2 This Court, while passing the order on 27.01.2016, has framed the substantial questions of law and has admitted the Second Appeal. On the same day, an order has been passed in Civil Application No.18/2013 by which, though the execution proceedings are permitted to

proceed, actual possession of the suit property is not to be handed over until the final disposal of the Second Appeal. So also, the parties are restrained from transferring or creating any charge or third party interest over the suit property.

3 Considering the above, I do not find that this Civil Application needs to be entertained as the Applicants are obliged to place the two orders of this Court, both dated 27.01.2016, in Regular Darkhast No.10/2006 to apprise the learned Civil Judge Junior Division of the same. The Civil Application is dismissed.

kps

(RAVINDRA V. GHUGE, J.)