

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

WRIT PETITION NO. 8061 OF 2018

Prakash Narayan Shinde

...Petitioner

Versus

Laxman Subana Ballari,

Deceased through,

1A) Smt. Lingama Laxman Ballari & Ors.

...Respondents

.....

Mr. Balwant V. Salunkhe for the Petitioner.

.....

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: JULY 27, 2018

P.C. :

1. This Petition is directed against the order dated 16th March, 2018 passed by the learned District Judge-2, Sangli below Exhibit 37 in Misc. Civil Application No. 139 of 2016.

2. The respondents, who are the original plaintiffs, have filed a Regular Civil Suit No. 47 of 2007 for partition, declaration and permanent injunction of the suit property. The said suit was decreed on 30th September, 2015. Against the said order, the petitioner has filed an Appeal alongwith Misc. Civil Application No. 139 of 2016 for condonation of delay. The petitioner has also filed an application below Exhibit 37 for stay to the execution of partition, which was rejected by the learned Judge of the Appellate Court. Hence, this Petition.

3. Heard submissions of the learned Counsel for the petitioner. Perused impugned order. The learned Judge of the Appellate Court to decide the application for condonation of delay and interim application filed by the petitioner within a period of six weeks from today. The petitioner i.e., appellant to take steps to serve the respondents.

4. Writ Petition is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)