

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 148 OF 2015  
IN  
SECOND APPEAL NO. 522 OF 2004**

Vishram Savalram Bhagat  
deceased by his heirs  
Sakru Vishram Bhagat (deceased) & Ors. ...Applicants

Versus

Savitribai Tukaram Bhagat & Ors. ...Respondents

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Mr.Amogh Karandikar I/b. Khandeparkar & Associates for the  
Applicants.

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CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE : **APRIL 03, 2018**

**P.C.:**

1. Though respondents are served, none present for them.
2. The learned Counsel for the applicants submits that respondent nos. 1 to 7/ plaintiffs have filed a Regular Civil Suit No. 2 of 1981. The said Suit has been filed for partition, however, it was dismissed. The First Appellate Court reversed the order and allowed Regular Civil Appeal No. 95 of 2000 and decreed the Suit. He seeks stay to

the execution and implementation of the impugned judgment and order dated 11<sup>th</sup> February, 2004 passed by the learned Additional District Judge, Sindhudurg, Oras.

3. Heard submissions. The First Appellate Court has passed the order of partition and allowed the First Appeal. The procedure of measurements can be carried out, however, the actual execution of handing over of the possession is stayed till the final decision of the Second Appeal. Civil Application is partly allowed in terms of prayer clause (a).

**(MRIDULA BHATKAR, J.)**