

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO.76 OF 2014
IN
SECOND APPEAL NO.25 OF 2014

Dinkar s/o Damodhar Jadhao, Buldhana
-vs-
Shobhabai w/o Dilip Kakde and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. G. Kavimandan, Advocate for appellant/applicant.
Shri T. J. Patil, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.
DATE : January 09, 2018

By this application it is prayed that the execution of the decree passed by the first appellate Court in favour of respondent No.1 herein be stayed during pendency of the appeal.

The appellate Court has decreed the suit for partition and separate possession filed by respondent No.1 herein and has awarded 1/3rd share to each party. As the appeal has been admitted the possession of the respective parties deserves to be protected. However, the demarcation of shares can be undertaken. Accordingly the application is disposed of by directing that though the respective shares of the parties may be determined, the possession of the respective parties shall remain protected during pendency of the appeal. Parties shall not create third party rights in the suit property.

JUDGE