

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

**1 CIVIL APPLICATION NO.6796 OF 2019
IN SA/58/1995**

**SANGNATH MAHALINGAPPA AMBULGE AND OTHERS
VERSUS
BABU SIDLING AMBULGE AND OTHERS**

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Advocate for Applicants : Talekar And Associates

Mr. B.N. Patil, Advocate for the respondent Nos.1, 2A to 2C

Mr. M.V. Deshpande, Advocate for the respondent Nos.3B to 3D

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17th JUNE, 2019

PER COURT :

1 By this application the appellants intend to seek continuation of the interim relief in the nature of stay to the execution of the decree that was passed against them as they intend to approach Hon'ble Apex Court.

2 Present appellants were the original defendant Nos.2 to 4. They had challenged the concurrent findings of the Courts below i.e. Judgment and Decree passed in R.C.S. No.284/1982 passed by learned Civil Judge Junior Division, Ausa, Dist. Latur on 06.09.1988, whereby the suit filed for

partition and separate possession came to be decreed against them and then they had challenged the said Judgment and Decree in R.C.A. No.160/1988 before Joint District Judge, Latur. The said appeal came to be dismissed on 11.11.1994. No doubt, it appears that during the pendency of the Second Appeal the stay was granted to the execution of the decree, however, after hearing both sides the Second Appeal has also been dismissed. Under such circumstance, no case is made out to continue the stay. Application stands rejected.

(Smt. Vibha Kankanwadi, J.)

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