

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

WRIT PETITION NO. 225 OF 2019

Laxman Sukhdeo Bhumbar (Died) through
L.Rs. Parwatabai @ Parubai Laxman
Bhumbar and others .. Petitioners

Versus

Ramkisan Sukhdeo Bhumbar (Died)
through L.Rs. Sukhdeo Ramkisan
Bhumbar and others .. Respondents

Ms. Rajejadhao Sunita S., Advocate for Petitioners – absent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 12TH JULY, 2019.**

FINAL ORDER :

. The matter was called out yesterday i. e. on 11th July, 2019. None appeared for petitioners. On the said date I had passed the following order.

1. On earlier occasions also the matter was required to be adjourned as none appeared for the petitioners. The matter was adjourned as none appeared for the petitioners on 09.01.2019, 12.02.2019 and 20.02.2019.

2. Today also none appears for the petitioners. The suit for partition and separate possession filed by the respondents is decreed. The appeal filed by

the petitioners is dismissed. The petitioners are seeking stay to the execution. The Court has issued precept as per Section 54 of the Code of Civil Procedure Code, 1908 for effecting partition of the suit property. The said order is assailed.

3. The petitioners claim to have filed the Second Appeal. It is for the petitioners to seek relief in the pending Second Appeal. If there is no stay to the decree then it is within the province of the trial Court to send the decree of execution to the revenue authority under Section 54.

4. However, as none appears for the petitioners, place the matter on 12.07.2019 for dismissal.

2. Today also when the matter is called out, none appears for the petitioner.

3. I have already observed that, the writ petition does not have any merit. The petitioner cannot seek the relief as sought in the present matter. The remedy is available to the petitioner in second appeal.

4. In the light of the above, the writ petition is dismissed. No costs.

[S. V. GANGAPURWALA, J.]