

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

901 CIVIL APPLICATION NO.10042 OF 2011
IN SA/414/2011

PANDURANG BHIMRAO PADAR
VERSUS
SUSHILA PRABHAKARRAO LIPNE AND ORS

WITH CA/2678/2020 IN SA/414/2011 WITH CA/2679/2020
IN SA/414/2011

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Advocate for Applicants : Mrs. Dhumal S.A. (Tambat).
Advocate for Respondent Nos.1 to 3 : Mr. D. A. Mane h/f Mr.
Milind Patil.

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**(CORAM : V. K. JADHAV, J.
VACATION COURT)**

DATE : 24.12.2020

PER COURT :

1. Heard the learned counsel for the applicant / appellant / original defendant No.1 and the learned counsel appearing for respondent Nos.1 to 3 / original plaintiffs.
2. It appears that the suit was instituted for partition and separate possession and the judgment and decree passed by the Courts below are in favour of the plaintiffs. The respondents / plaintiffs have filed an execution petition and

accordingly the matter has been sent to the Collector under Section 54 of the Civil Procedure Code. It appears that the Tahsildar has issued a notice for carrying out the measurement. It appears that this is the suit of the year 1996.

3. In view of the same, let the other formalities be completed, however, the execution of judgment and decree impugned in the second appeal is stayed to the extent of delivery of possession, till the next date of hearing. This stay granted with a understanding that on the next date the appellant will not seek any adjournment and work out the matter.

4. In case, if the adjournment is sought by the appellant, the respondents / original plaintiffs are at liberty to make the submissions for vacating the interim stay.

5. Civil Application seeking stay is accordingly disposed off.

6. List the second appeal and other civil applications on 08.02.2021.

(V. K. JADHAV)

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vmk/-