

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10346 OF 2019
IN
SECOND APPEAL NO. 127 OF 2020

SHALUBAI HARIBHAU SUMBARE
VERSUS
DYANDEO BABURAO SUMBARE AND OTHERS

WITH
CIVIL APPLICATION NO.10344 OF 2019
IN
SECOND APPEAL NO. 128 OF 2020

SHALUBAI HARIBHAU SUMBARE
VERSUS
DYANDEO BABURAO SUMBARE AND OTHERS

...
Advocate for Applicant : Mr. Adinath B. Jagtaqp
Advocate for Respondent No.1 : Mr. Amol S. Swant

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CORAM : V. K. JADHAV, J.
DATED : 22nd SEPTEMBER, 2020

PER COURT:-

1. I have heard learned counsel for the applicant and Mr. Sawant, learned counsel appearing for respondent No.1 original plaintiff.

2. The respondent No.1-plaintiff has instituted the suit for partition and separate possession. Though the trial court has decreed the suit seeking partition and separate possession and the first appellate court confirmed the said judgment and decree with certain modifications, however, according to the applicant, she is in possession of some portion of suit properties bearing Gat No. 589 to the extent of 74 R, Gat No. 593 to the extent of 66 R and Gat No.

707 to the extent of 19 R situated village Pimpalgaon, Parner, Ahmednagar, even during pendency of the suit as well as the regular civil appeals.

3. In view of above, the effect, execution and implementation of the judgment and decree dated 24.06.2013 passed by the Civil Judge, Junior Division, Parner in Regular Civil Suit No. 116 of 2005 and confirmed by the learned District Judge-4, Ahmednagar in Regular Civil Appeal Nos. 226 of 2013 and 233 of 2013 by judgment and orders dated 09.03.2018 with certain modification, is hereby stayed to the extent of delivery of possession only, till disposal of the appeals and the proceedings pertaining to measurement, partition etc. may proceed further.

4. Civil applications are accordingly disposed of.

(V. K. JADHAV, J.)

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