

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.799 OF 2016
ALONG WITH
INTERIM APPLICATION NO.1 OF 2020
WITH
CIVIL APPLICATION NO.1579 OF 2016
WITH
CIVIL APPLICATION NO.1032 OF 2018**

Smt. Shantabai Ashok Patil

And Another

... Appellants

Versus

Sou. Kamal Mahadeo Patil

And Others

... Respondents

.....

Mr. Vijay Killedar for the Appellants and for the Applicants in Civil Application No.1579 of 2016 and Civil Application No.1032 of 2018.

Ms. Akanksha Helaskar i/b A.M. Kulkarni for the Applicants in Interim Application No.1 of 2020.

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CORAM : S.C. GUPTE, J.

DATE : 9 MARCH 2020

P.C. :

. This Second Appeal challenges lower appellate order passed in a suit for partition. There are three miscellaneous applications taken out in the Second Appeal. The Second Appeal has been admitted.

2 Interim Application No.1 of 2020 is for fixing the date of hearing. Civil Application No.1579 of 2016 is for stay of the

impugned order, whereas, Civil Application No.1032 of 2018 seeks relief in respect of transfer of property by the opponent pending the Second Appeal.

3 It is agreed between learned Counsel for the parties that the Second Appeal itself may be taken up for hearing. The third party, who claims to be a transferee of a portion of the suit property, should be heard, since it is vitally affected, Civil Application No.1032 of 2018 is accordingly allowed. Since the Second Appeal itself is being taken up for hearing, Civil Application No.1579 of 2016 would not survive. Interim Application No.1 of 2020 is for expeditious hearing; even that does not survive. Accordingly, the Second Appeal to come up for hearing on the weekly hearing list of the week commencing from 15 April 2020.

4 Interim Application No.1 of 2020, Civil Application No.1579 of 2016 and Civil Application No.1032 are disposed of.

5 The Appellants may carry out amendment in the Second Appeal by impleading the newly added Respondent No.7 in the course of the week. The Second Appeal may be served privately on the newly added Respondent No.7 and an affidavit in proof of such service may be filed by the next date.

(S.C. GUPTE, J.)