

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 223 OF 2020 IN
SECOND APPEAL NO. 77 OF 2020

(Shivaji s/o Sitaram Khadse and ors. **Vrs.** Tulsabai wd/o Tukaram Khadse (dead),
Sumanbai w/o Dnyanba Bodkhe thr. L.R's ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.A. Joshi, Advocate for applicants/appellants.
Shri A.P. Tathod, Advocate for non-applicants/respondents Nos.
2 and 3.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- DECEMBER 22, 2020.

Heard.

2. By way of this application, the appellants, judgment debtor / purchaser of the suit property prays for stay to the effect and operation of the judgment and decree in R.C.A. No. 48/2008 dated 08/02/1999 passed by the District Judge, Washim. It is stated that the suit was for partition and separate possession and it was decreed by both the Courts below. The appellants being the purchaser of the property, which the respondents claim to be of joint ownership / ancestral, they in collision with each other obtained decree thereby prejudicing the interest of the purchaser in property.

3. It is further stated that the preliminary decree of partition was sent to the Collector and the Collector issued order and the Tahsildar is about to visit the spot to measure the boundary.

4. At this stage, considering the interest of the appellant / purchaser in the property, the case for stay is made out. Hence, the effect and operation of the judgment and decree dated 08/02/1999 in R.C.A. No. 48/2008 is hereby stayed.

5. The civil application is disposed of accordingly.

SECOND APPEAL NO. 77 OF 2020

Stand over to 21/01/2021 for final hearing.

JUDGE

D.S. Baldwa