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

WRIT PETITION NO. 724 OF 2021

AVINASH BHAUSAO KADAM & ORS. ..PETITIONERS
VS.
LATE AANANDRAO SARJERAO KADAM
DECEASED THROUGH HIS LRS & ORS. ..RESPONDENTS

None for the petitioners.

Mr. Vijay D. Patil i/b. Mr. Siddharth Karpe for respondent Nos. 2 to 5.
Mr. P.V. N. Rajan, AGP for the respondents – State.

CORAM : M.S.KARNIK, J.

**DATE : JULY 16, 2021
(VIA V.C.)**

P.C.

Heard learned counsel Shri Vijay Patil appearing on behalf of the respondent nos. 1 to 5. None appears on behalf of the petitioner.

2. Shri Patil submits that the respondent Nos. 1 to 5 had filed a suit for partition before the trial Court which came to be decreed. The appeal against the same was dismissed. The execution proceedings were filed before the Executing Court. The decree was sent for execution to Tahsildar. An order passed by the Tahsildar during the course of effecting the partition came to be challenged before the Sub-Divisional Officer (SDO). The SDO though had initially granted interim relief in favour of the petitioners but later on, on a motion made by the respondent Nos. 1 to 5 vacated the interim order. Aggrieved thereby, the petitioners moved this Court.

This Court protected the petitioners by an ad-interim order.

3. Learned counsel for the contesting respondent Nos. 1 to 5 fairly submits that an ad-interim order granted by this Court can be continued till the disposal of the appeal before the SDO, Baramati. His only request is that the proceedings before the SDO be expedited as the execution proceedings must be taken to the logical end at the earliest.

4. The request made by learned counsel for the petitioner is reasonable. Though none appears on behalf of the petitioners, the present Writ Petition can be disposed of by continuing the interim order which is granted by this Court till disposal of the appeal and the SDO, Baramati to dispose of the appeal expeditiously and in any case within a period of eight weeks from 26/7/2021.

5. Needless to mention that I have not observed anything on merits of the controversy and the SDO, Baramati should decide the appeal on its own merits and without being influenced by the ad-interim order passed by this Court which is continued only as a result of the request made by learned counsel for the respondent Nos. 1 to 5 and not on merits.

6. Learned counsel for the respondent Nos. 1 to 5 to inform the petitioners. Parties to appear before the SDO, Baramati, on 26/7/2021. Parties to co-operate.

7. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

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