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

**CIVIL APPLICATION NO. 2487 OF 2019
IN
FIRST APPEAL NO. 1061 OF 2014**

Smt. Malini Balaji Kamat Nee MaliniApplicant
Anant Waravdekar

V/s.

Shri. Shashant Anand KamatRespondent

Mr. Rajesh Jain i/b Legal Juris for Applicant
Mr. V. K. Nair for Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: JULY 28, 2021.

P.C.:

1] Learned counsel for the appellant assures that since the appellants are staying in the suit property, they shall not creating 3rd party interest. Statement is accepted.

2] Execution proceedings in a partition suit to go on, however, final decree qua possession may not be passed without permission of

the Court.

3] As far as prayer clause (a) in the Civil Application No. 2487/2019 i.e. prayer for final hearing by fixed date is concerned, it will be considered once paper-book is placed on record.

4] As far as prayer clause (b) is concerned, in view of statement made by learned counsel for the appellant that they shall not be creating third party interest, same has rendered infructuous.

5] As far as prayer clause (c) is concerned, I see hardly any basis for the same to order payment of compensation as is claimed at this stage of the proceedings. In case, if the appeal not heard within period of 6 months from today, liberty to original decree holder to move for prayer for compensation which will be dealt in accordance with law.

[NITIN W. SAMBRE, J.]