

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.9166/2022
IN SA/387/2022**

DIGAMBAR BHANUDAS LONDHE DIED THROUGH LRS. AND
ANOTHER
VERSUS
SHIVAJI DAULATRAO KALE DIED THROUGH LRS AND ANOTHER

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Advocate for Applicants : Mr. Y. V. Kakade, Advocate h/f
Mr. Niteen V. Gaware

Advocate for Respondents : Mr. M. V. Salunke

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CORAM : KISHORE. C. SANT, J.

DATE : 07th NOVEMBER, 2023

PER COURT :

1. This application is filed seeking stay to the execution, operation and implementation of judgment and order dated 21/12/2018, passed by learned District Judge, Beed in R.C.A. No.73/2016.
2. Since the appeal is already admitted, this application deserves to be allowed.
3. Learned advocate for respondents, however, points out that during pendency of the appeal, if third party interest is created that will create complications. So, to avoid complications it is necessary to direct the appellants to not to create third party interest during pendency of the appeal.

4. In view of this, the application is allowed in terms of prayer clause 'B'. However, the applicants shall not create third party interest in the suit property till disposal of the appeal.

(KISHORE. C. SANT, J.)