

SPChauhan

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

CIVIL APPLICATION NO. 6102 OF 2018
IN
CIVIL APPLICATION NO. 2208 OF 2022
IN
SECOND APPEAL NO. 239 OF 2019

Baban Maruti Tour and others ... Applicants

Versus

Nandkumar Tanaji Tour and others ... Respondents

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Mr. P.R. Katneshwarkar – Advocate for Appellants
Mr. S.S. Gangakhedkar – Advocate for Respondent Nos. 1 to 4
Mr. N.B. Jadhav – Advocate for Respondent No. 5
Mr. S.B. Bhosale – Advocate for Respondent No. 6
Mr. J.R. Patil – Advocate for Respondent No. 7
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CORAM : GAURI GODSE, J.

DATE : 30th January, 2023

PER COURT :

1. Civil Application is for stay to the execution and operation of the impugned judgment and decree. The judgment and decree impugned in the second appeal is for partition.

2. Second Appeal is already admitted. Hence, during the pendency of the second appeal final decree proceedings can go on, however, there will be stay to the actual handing over of physical possession.

3. By order dated 07th March, 2022, both the parties were

restrained from creating any third party interest in any of the suit properties till the decision of the second appeal. This interim relief will also continue during the pendency of Second Appeal.

4. Civil Application is disposed of in the above terms.

5. Office is directed to add second appeal in final hearing board, as per its turn when it is ready.

6. Office remark shows that record and proceedings is received. Printing is dispensed with.

7. Appellant to file private paper book containing judgments of both the courts, first appeal memo, pleadings, notes of evidence and exhibited documents, within a period of six months from today.

[GAURI GODSE]
JUDGE