

Pallavi

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

**CIVIL APPLICATION NO.1023 OF 2018
IN
SECOND APPEAL NO.452 OF 2018**

Yashwant Sadashiv Kadam

...Applicant

Versus

Sadashiv Bhau Kadam (Deceased Thru. LRs)

1A) Sopan Sadashiv Kadam and Ors.

...Respondents

- Mr. P.B. Shah i/b. K.P. Shah, for the Applicant.
- Mr. V.S. Talkute, for Respondent Nos.1 to 5.

CORAM : MADHAV J. JAMDAR, J.

DATE : 22nd FEBRUARY 2023

P.C. :

1. By separate order dated 22nd February 2023, Second Appeal Nos.452 of 2018 and Second Appeal No.475 of 2018 are admitted on the substantial questions of law framed therein.

2. It is admitted position that the Respondent Nos.1A, 2, 3 and 4 are in possession of the said property at Sr. No.4 and 5 of column (C) described in Reg. Civil Suit No.22 of 1992. Particulars of said properties are set out herein-below for ready reference :-

Pallavi

अ.नं.	स.नं.	क्षेत्र	आकार	
		हे. आर	रु. पै.	
४.	<u>७१/१अ२</u>	पोख	०.२९ <u>०.०४</u> ०.३३	१=४९
५.	<u>७२/१अ</u>	पोख	१.०१ <u>०.०९</u> १.१०	५=३७

3. Respondent Nos.1A, 2, 3 and 4 are directed not to create third party interest with respect to the said properties except that these Respondents are permitted to raise crop loans for the purpose of cultivation of the said agricultural lands only on the condition that the said crop loan with applicable interest is repaid per year. However, it is clarified that in case the Second Appeals are allowed then immediately the Respondent Nos.1A, 2 to 4 are directed to offer for partition said properties without any encumbrance by clearing the entire loan with due interest, if any.

4. Civil Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]