



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

**CIVIL APPLICATION NO. 12507 OF 2024
IN SA/67/1990**

SHANKAR MAROTI THOMBRE LRS ANUSAYABAI AND
OTHERS
VERSUS
GANGARAM BHAGOJI THOMBREN LRS. SITARAM AND OTH.

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Ms. Aummaheshwari S. Jadhav, Advocate for Applicants.
Mr. Y. R. Shinde h/f Mr. R. R. Karpe, Advocate for Respondent
Nos.1A to 1D and 3.

**CORAM : S. G. CHAPALGAONKAR, J.
DATED 03rd DECEMBER, 2024.**

P.C.:-

1. The learned Advocate for the applicants submits that this Court was pleased to admit Second Appeal No.67/1990 on 26.03.1996. Similarly, order was passed granting stay to the impugned judgment and decree vide order dated 26.03.1996. However, Appeal came to be dismissed in default on 22.07.2013. The applicants have moved application for restoration of Appeal and same is pending.

2. It is submitted that in aforesaid background decree which is under Appeal is sought to be executed and applicants are now served with notice for execution of sale deed in pursuance of decree.

3. It is not disputed that Second Appeal has been admitted on substantial questions of law framed by this Court. Consequently, decree under Appeal was stayed. In this background, pending application for restoration, it would be appropriate to continue interim protection that was granted by this Court in Second Appeal till disposal of application for restoration.

4. Consequently, Civil Application is allowed in terms of prayer Clauses (A) and (B).

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/December-2024