

MJ Jadhav

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 579 OF 2017
WITH
CIVIL APPLICATION NO. 783 OF 2016
IN
SECOND APPEAL NO. 579 OF 2017**

Suresh Mahadeo Patil and ors. ... Appellants

vs.

Krishnabai @ Narmadabai Namdeo ... Respondents
Jadhav and ors.

Mr. Umesh H. Pawar a/w Sagar R. Sonawane for the Appellants.

Mr. S. C. Wakankar a/w Aishwarya Bapat for Respondent Nos. 1
and 2.

CORAM : GAURI GODSE, J.

DATED : 10th SEPTEMBER 2024

ORDER:

CIVIL APPLICATION NO. 783 OF 2016 :

1. This application is for stay to the execution and operation of the impugned decree. The impugned decree is for partition and separate possession. By order dated 31st January 2019, this Court has already passed an ad-interim relief staying the decree only to the extent of handing over actual possession.

2. The second appeal is already admitted. Respondent nos. 1A,

1B and 2 are represented. Application already stands dismissed as against respondent no.3.

3. The effect of dismissal of the application and second appeal against respondent no.3 is kept open.

4. During the pendency of second appeal, the ad-interim protection granted on 31st January 2019 shall continue.

5. During the pendency of the second appeal, the parties shall not create any third party interest in the suit property.

6. Civil application is allowed in aforesaid terms.

(GAURI GODSE, J.)