

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.720 OF 2024
IN
SECOND APPEAL NO.45 OF 2024

Nandini Nivrutti Desai

....Applicant

V/S

Pramila Sarjerao Khot & Ors.

....Respondents

...

Mr. Surel Shah i/b Mr. Ishaan Kapse for the Applicant.

Mr. Vijay Killedar a/w Mr. Sumesh Modak for Respondent No.1.

...

CORAM: SANDEEP V. MARNE, J.

DATE : FEBRUARY 21, 2024.

P.C.:

1 The Interim Application is filed for seeking stay of the judgment and decree dated 10 July 2023 passed by the First Appellate Court. By its decree, the First Appellate Court has declared that Plaintiff, Defendant Nos.1 and 3 to 6 have 1/6th share in all the suit properties. The Trial Court had granted 1/6th share to the Plaintiff only in property bearing Gat No.2328, village Shirol, Taluka Shirol, District Kolhapur.

2 Therefore during pendency of the Appeal, though partition proceedings may go on, physical possession of suit lands described in

clause 3(a) to (g) of the Judgment (suit properties) of village Shirol should not be taken away from the Appellant. The Appellant shall not create any third party rights in respect of any of the suit properties.

3 The Interim Application is disposed of.

(SANDEEP V. MARNE, J.)