

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

**CIVIL APPLICATION NO.799 OF 2019
IN
SECOND APPEAL NO.364 OF 2019**

Prabhakar Dattatray Kshirsagar since
deceased through his legal heirs
(i) Sanjay Prabhakar Kshirsagar and
Ors.

...Applicants

Versus

Ramakant Dattatray Kshirsagar since
deceased through his legal heirs and
Representatives -
(1A) Mrs. Aparna Mahesh Habade and
Ors.

...Respondents

....

Dr. Ranjit Thorat, *Senior Advocate with Mr. Balasaheb R. Deshmukh for the Appellants/Applicants.*

Mr. Shriram Kulkarni *for Respondent Nos.1A to 1C.*

Mr. S.R. Nargolkar *i/b. Mr. Aunkar Joshi for Respondent Nos.2A and 3 to 5.*

CORAM : SANDEEP V. MARNE, J.

DATED : 22 APRIL 2024.

P.C.:-

1. The Second Appeal is admitted by formulating substantial questions of law.

2. By this application, the Applicants press for stay of the Decree of the first Appellate Court during pendency of the Appeal. It appears that defence of Appellant/Defendant No.1 is

previous partition effected at the time of implementation of consolidation scheme, under Which Plaintiff and Defendant No.1 are owning and possessing separate shares of suit properties.

3. In that view of the matter, parties shall maintain status-quo in respect of the land in their respective possession and shall not create any third party rights in respect of the suit property. Since the first Appellate Court has passed a preliminary decree for partition, the process of determining shares of the parties shall go on. However, possession of the parties shall not be disturbed towards execution of Decrees.

4. Interim application stands disposed of.

SANDEEP V. MARNE, J.