

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

Writ Petition No.17249 of 2024

Shri Appasaheb Nivrutti Bhande and
others

... Petitioners

V/s.

Mr. Bhanudas Nivrutti Bhande and
others

... Respondents.

Mr. Ajay Joshi	Advocate for the Applicants
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CORAM : S.M. MODAK, J

DATE : 29 November 2024.

P.C. :

The matter is taken on Board by way of a praecipe considering the urgency.

2. Heard learned Advocate Shri Joshi for the Petitioner-defendant. The Tehsildar, Malshiras as per his letter dated 7 October 2024 addressed to the Malshiras police station have sought for police help for the purpose of removing the obstruction created by the present petitioners/the defendants. The contention is that the preliminary decree passed by the trial court was challenged before the appellate Court and initially there was stay granted. However, it got vacated because the appeal was dismissed for default.

3. Restoration application is filed. It is pending. The Petitioners

made two requests; **one** is for injunction and **second** is for stay to the execution of decree. It is rejected by the appellate Court as per the order dated 25 October 2024. It is challenged by way of this writ petition.

4. On the basis of instructions it is informed to the police they are ready to wait for sometime. In view of that let this matter be listed on **4 December 2024**.

5. Let the instructions be taken about the share allotted as per the earlier decree and the claim of a possession of the parties to the present suit in support of those lands.

(S.M. MODAK, J.)