

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

46 CIVIL APPLICATION NO. 12444 OF 2024
IN SA/224/2017
WITH
SECOND APPEAL NO. 224 OF 2017

SHANKARRAO NARAYAN KANAKDANDE DIED LRS PRAKASH
L.RS. VIJAY AND ORS
VERSUS
ATMARAM DAULATRAO POLE AND ORS

...
Advocate for Applicants : Mr. Wasif Shaikh h/f Mr. Narwadkar
Mrigesh D.
Advocate for Respondent Nos. 1 to 4 : Mr. Bhagwan S. Kudale
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : 24.01.2025

PER COURT :-

1. Applicants seek to fix the Second Appeal for hearing at early date.
2. Learned Advocate appearing for the applicants submits that litigation in this matter started in the year 1974 by way of RCS No. 246 of 1974 seeking decree of partition and separate possession. On 17.12.1999 a decree for partition and separate possession attained finality and the same was put to the execution in Regular Darkhast No. 20 of 2002 before the

Civil Judge, Junior Division, Loha, District Nanded. Respondents filed application below Exh. 32 objecting execution of decree under Order 21 Rule 97 of the Code of Civil Procedure, 1908. Present Second Appeal arises out of such objection. He submits that decree as passed in partition suit in favour of the applicant is waiting its execution. The litigation is aged more than 50 years, hence requires immediate disposal.

3. Considering submission advanced, particularly the nature of dispute, although present Second Appeal is of the year 2017 and admitted in the year 2019, it would be in the fitness of things to fix the early date of hearing. In that view of the matter, list the Second Appeal under caption of **“Final Hearing”** on board dated 04.03.2025.

4. The Civil Application stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/