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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3743 OF 2025
IN
SECOND APPEAL NO. 360 OF 2011**

Kusum Murlidhar Hagawane ... Applicant

In the matter between

Shri Sunil Sopan Hagawane and Others ... Appellants

Vs.

Smt. Kusum Murlidhar Hagawane and Anr. ... Respondents

Mr. Sandeep Barve i/b. M/s. B.K. Barve and Co. for the Applicant.

Mr. Kuldeep Patil for the Appellants.

CORAM : GAURI GODSE, J.

DATE : 18th MARCH 2025

ORDER :

Interim Application No. 3743 of 2025

1. This application is filed by respondent no.1 – original plaintiff for seeking clarification that ad-interim order of stay is not continued in the appeal.

2. Learned counsel for the applicant has further prayed for directing that appellant should not create third party rights in respect of the suit property. The applicant further prays for vacating ad-interim stay. There is also prayer for fixing early date of hearing of the second appeal. Second appeal is admitted.

3. Rule is issued in Civil Application No. 894 of 2011 and the application is still pending for hearing. Office remarks indicates that the second appeal is not yet ready for final hearing.

4. Even otherwise there are large number of appeals pending before this court for final hearing including appeals from the year 1988. Hence, the prayer for early hearing cannot be entertained at this stage.

5. Since the application for interim stay is still pending, it is not necessary to consider the prayers in this application. Hence, interim application is dismissed.

Civil Application No. 894 of 2011

6. This Application is still pending for confirmation of the ad-interim relief. Office remark shows that the application and the appeals stand abated against some of the respondents and stands dismissed against some of the respondents.

7. From the record it appears that no steps have been taken against deceased respondent and unserved respondents till date.

8. Learned counsel for the appellant seeks time to take steps. Learned Advocate for the appellant is at liberty to take appropriate steps within two weeks from today. The impugned decree is for

partition and separate possession which includes agricultural land. It was therefore clarified that the stay of the decree shall be restricted to the actual handing over of physical possession. However, the proceeding for division of property as per the impugned decree shall continue.

9. During the pendency of the application parties shall not create any third party rights in respect of the suit property.

10. List the civil application on 17th June 2025.

[GAURI GODSE, J.]