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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 234 OF 2025
WITH
INTERIM APPLICATION NO. 3816 OF 2025**

Anil Namdev Limbhore through ... Appellants
Power of Attorney Holder
Smt Jayshri Anil Limbhore and Others
Vs.

Chandrabhagabai Tukaram ... Respondents
Walhekar and Others

Mr. Ghanasham Jadhav i/b. Mr. Rakesh Patil for the Appellants.
Mr. Yashodeep Deshmukh i/b. Mr. Pradip Patil for the Respondent
nos. 1 to 4.

CORAM : GAURI GODSE, J.

DATE : 19th MARCH 2025

ORDER :

1. Learned counsel for the appellants seeks time as the Advocate on record is in some personal difficulty. Learned counsel for respondent nos. 1 to 4 submits that the judgment and decree impugned in the second appeal is already confirmed in connected Second Appeal No. 68 of 2024 and the impugned decree for partition and separate possession stands confirmed.

2. Learned counsel for the respondent nos. 1 to 4 further submits that by keeping this second appeal pending the appellant is trying to create third party rights and has already created third party rights in respect of one of the properties. He further submits that the appellant is objecting in the execution of the impugned decree on the ground of pendency of the second appeal.

3. It is clarified that there is no stay granted by this court to the execution of the partition decree. Hence, respondents are entitled to execute the decree for partition.

4. Since learned Advocate for the appellants is in personal difficulty, list the second appeal for dismissal on 2nd April 2025. To be listed under the caption for “Directions”.

[GAURI GODSE, J.]