

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7489 OF 2024
IN
FIRST APPEAL (ST) NO. 9864 OF 2024

Anil Jotiram Jadhav

... Applicant/Appellant

Versus

Kiran Pandurang Jadhav And Ors.

... Respondents

Mr. Avinash B Patil (Through VC) for the Appellant/Applicant.

Mr. Akshay Kulkarni a/w Mr. Avesh Ghadge for the Respondent Nos. 1 and 2.

CORAM : M. M. SATHAYE, J.

DATE : 17th March, 2026.

P. C. :

1. Heard learned counsel for the parties. This is an application for interim stay of the impugned order dated 17.04.2010 passed in Civil Miscellaneous Application No. 47 of 2002 by the Civil Judge, Senior Division, Sangli. By the said impugned order, probate application filed by Respondent Nos. 1 and 2 has been allowed.

2. Learned counsel for the Applicant invited the Court's attention to Clause (3) of the operative part of the impugned order, by which Respondent Nos. 1 and 2 have been granted the right to look after the subject-matter properties, as well as to sell and create third-party interests therein. He submitted that such rights cannot be granted in probate proceedings. He further submitted that the substantive rights of the parties are pending between the same parties in Second Appeal No. 126 of 2022, which is under consideration. He pointed out that Clause (3) of the operative part of the impugned order has been stayed since 25.06.2010 and under order dated 19.12.2017 and by order dated 05.01.2024, the District Judge-4, Sangli, has continued the said stay.

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3. Perused the said orders dated 25.06.2010, 19.12.2017, and 05.01.2024. It is not disputed that by order dated 25.04.2024 passed in this interim application, the interim stay has been continued.
4. Learned counsel for Respondent Nos. 1 and 2 opposes the continuation of the stay on the ground that it should not be continued in a blanket manner in respect of all the properties involved.
5. *Prima facie*, it appears that all four properties mentioned in the impugned order are also the subject matter of the Second Appeal.
6. In that view of the matter, the **Interim Application is disposed of** by granting interim stay to Clause (3) of the impugned order dated 17.04.2010 during pendency of appeal.
7. Respondent Nos. 1 and 2 are at liberty to file separate application, if according to them, any of the subject-matter properties need to be excluded from interim stay. If such an application is made, the same shall be decided independently in accordance with law.
8. All concerned to act on duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]