

**DISTRICT COURT AT BEED**

**Regular Civil Appeal No. 74/2025**

**(CNR No. MHBI010014142025)**

**Raosaheb Eknath Bangar and others**

**Vs.**

**Baban Eknath Bangar and others**

**ORDER BELOW EXH. 5**

Being aggrieved by the Judgment and decree passed in Regular Civil Suit No. 331/2020 on 26/03/2025 by Ld. Jt. Civil Judge (Junior Division), Ashti, Tq. Ashti, Dist. Beed, the appellant/original defendants filed this appeal under Section 96 of the Code of Civil Procedure, 1908.

2. Heard Ld. Counsel Shri. P. S. Rajapurkar for appellants/original defendants and Ld. Counsel Shri. N. N. Sable for respondent no. 1 and 2 / original plaintiff. Perused the material on record.

3. Appellant no. 1, 2 and all respondents are children of appellant no. 5 Bhamabai Eknath Bangar. Appellant no. 3 and 4 are the wife of appellant no. 1 and 2 respectively. Respondents / original plaintiffs had filed suit for partition and separate possession. In the aforesaid suit no W.S. order was passed against appellant no. 5 Bhamabai Eknath Bangar. Being aggrieved by the said order, she had filed Writ Petition No. 7659/2024 before the Hon'ble High Court and as per submission Writ Petition is still pending before the Hon'ble High Court. It appears that in the mean time, instead of waiting for necessary orders from the Hon'ble High Court, the Ld. Trial Court had decreed the suit.

4. After the judgment respondents had filed execution

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proceeding before the Trial Court. Apart from this another issue is involved in respect of sale deed executed by appellant no. 5 Bhamabai Eknath Bangar in favour of appellant no. 1 to 4 as to whether the property alienated was her self acquired property or it was Hindu Joint Family property. Admittedly, sale deed was executed in favour of daughter-in-laws of Bhamabai who are arrayed as appellant no. 3 and 4 in the impugned appeal. Thus, considering the issue involved and execution petition that is pending before the Trial Court and also Writ Petition pending before the Hon'ble High Court, the judgment and decree can be stayed till disposal of the appeal. Hence, considering this, I accordingly, pass following order;

**ORDER**

- 1] Application at Exh. 5 is partly allowed.
- 2] The effect, operation and execution of judgment and decree passed in Regular Civil Suit No. 331/2020 by Ld. Joint Civil Judge (Junior Division), Ashti, Tq. Ashti, Dist. Beed is hereby stayed till disposal of the appeal.
- 3] Trial Court be informed accordingly.

Beed,  
Date : 15/07/2025.

**(Anand L. Yawalkar)**  
**PRINCIPAL DISTRICT JUDGE,**  
**BEED.**

Dictated on : 15/07/2025

Transcribed on : 15/07/2025

Checked & signed on : 15/07/2025

I affirm that the contents of this PDF file are word to word as per original Judgment / order.

Name of Steno : G. N. Ghayal  
Name of Court : Dist. Court, Beed,

Sd/-  
(G. N. Ghayal)

**Stenographer Grade-I**