


MHBI010027842024 	<u>R.C.A.No.54/2024</u> Dadasaheb Laxman Chandane & Ors. Vs. Chabu Laxman Chandane & Ors.
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ORDER BELOW EXH.05

This is the appeal under Section 96 of Civil Procedure Code by original defendants No.2 to 8 challenging judgment and decree dated 04.07.2024 passed by learned 5th Jt. Civil Judge Senior Division, Beed in R.C.S.No.286/2007 thereby decreed the suit and declaring 1/9th share each of the concerned parties and for appointment of Court Commissioner.

02. Being aggrieved and dissatisfied with the said judgment and decree, original defendants No.2 to 8 preferred this appeal on the grounds mentioned in appeal memo Exh.1.

03. By virtue of the present application i.e. Exh.5, appellants claimed stay of the operation and execution of the said decree on the various grounds.

04. According to the learned Advocate for appellants, they are mainly challenging the relationship of original plaintiffs No.1 and 2 and according to them, original plaintiff No.1 is not the issue of defendant No.2. Therefore, according to him, as debatable points are involved in the matter therefore, operation and execution of the decree under challenge needs to be stayed.

05. On going through the entire material, it appears that learned trial Court has directed defendant No.1 to hand over separate

possession of 1/9th share each to original plaintiffs No.1 and 2 and defendants No.2 and 4 to 8 within 3 months from the date of decree. It is further directed that if it is not done Court Commissioner will be appointed. Therefore, considering this aspect and as the decree is signed on 08.07.2024 by the learned trial Court, the said period of 3 months will be over shortly. Therefore, considering the debatable questions and points involved in the matter, ex-parte ad-interim protection order needs to be granted. Therefore, following order.

ORDER

- 1) Effect and operation of the judgment and decree dated 04.07.2024 passed by learned 5th Jt. Civil Judge Senior Division, Beed in R.C.S.No. 286/2007 is stayed till further orders.
- 2) Issue notices to all the respondents as to why above order shall not be made absolute. Notice R/on 07.10.2024.
- 3) Appellants to comply Order 39 Rule 3 of Civil Procedure Code.
- 4) Inform the learned Trial Court.

(Dictated and pronounced in open Court)

Date : 29/08/2024

(K.R.Joglekar)
District Judge-4, Beed.

CERTIFICATE

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

Dictated on : 29/08/2024
Transcribed on : 29/08/2024
Checked & signed on : 29/08/2024

(A. R. Patil)
Stenographer Grade-3
District Court-4, Beed.