

ORDER BELOW EXH.5 IN REGULAR CIVIL APPEAL NO.16/2024

1] Today, the advocate of appellants have taken this matter on board for urgent relief on this application.

2] The appellants have produced copy of measurement notice issued by T.I.L.R., Osmanabad for the measurement and partition of land Gat No.6, 23 and 66 scheduled on 10.03.2025.

3] Heard advocate A.N. Deshmukh for appellants.

4] I have gone through the Judgment and decree passed by trial court. The trial court has decided issue No.1 in the negative relates to nature of property i.e. suit properties are not ancestral or joint Hindu family property. However, trial court has awarded 1/9th share to each plaintiff No.1 and 2 alongwith same share to defendants. The defendants have challenged the decree of trial court by filing this appeal. The notice of this appeal vide Exh.13 has duly served to respondent No.1 and 2 on 28.09.2024. In spite of said notice, they are not appeared in the matter. However, they were filed application before trial court for sending the decree to Collector, Osmanabad for execution. The T.I.L.R. has issued notice dated 29.01.2025 to appellants and called them for measurement of property and it's partition. The legal rights of the parties are under consideration before this court. In this circumstances, it is necessary to stop the execution

of said decree till further order. If, such relief has not granted then Revenue Officers would effect the partition and then appeal become infructuous. Hence, the order.

ORDER

Interim stay has been granted for execution of decree in RCS No.613/2016, till further order.

Date : 17.03.2025

sd/-
[V. G. Mohite]
District Judge- 3
Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/order are same, word to word, as per the original Judgment.

Name of Stenographer	-- -	Mahesh Abhimanyu Pawar Grade-I
Court	-- -	District Court-3, Osmanabad.
Date	-- -	17.03.2025
Order signed by the Presiding Officer on	-- -	17.03.2025
Order uploaded on	-- -	17.03.2025