

Order below Exh. No.7 in R.C.A. No.201/2017

(CNR No. MHST-01-001803-2017)

(Parashulram Balku Dange Vs. Dwarkabai Baburao Dange)

01. Heard learned Advocate for the appellant. Perused the record and order dated 16.04.2018 below Exh. 7. The respondent No. 2 filed pursis Exhibit 22 with undertaking that she will not alienate the suit property in favour of third party. The appeal is proceeded exparte against the respondent No. 3 therefore, till final decision of this application, the respondent No. 3 was restrained from alienating the suit property by order dated 16.04.2018.

02. In the meanwhile, the respondent No. 3 expired and his LR's. were sought to be brought on record by application Exhibit 45. They were served with the notices of the said application but not appeared and therefore, the application Exhibit 45 was proceeded without their say as per order dated 19.04.2022.

03. In the above circumstances, the order dated 16.04.2018 was continued on repeated applications filed by the appellant. The original suit was for partition and possession of his share by the plaintiff and necessary declarations and injunction. The plaintiff had also sought declaration that the sale-deed executed by respondent No. 2 in favour of the respondent No. 3 is not binding upon him. In such circumstances, if the decree under execution is not stayed the plaintiff would suffer irreparable loss and injustice, as also he has raised many factual and legal issues in the appeal. In view of the undertaking given by the respondent No. 2 and after death of the Respondent No.3, his LR's. would claim right, title and interest in the property purchased by the respondent No. 3. Therefore, it is necessary to restrain them from alienating the property purchased in the name of

respondent No. 3 from the respondent No. 2. Consequently, decree challenged in the appeal deserves to be stayed till final disposal. Hence, I pass the following order.

ORDER

1] The respondent No. 2 and LRs. of the respondent No. 3 are hereby restrained from alienating the suit property purchased vide sale-deed dated 14.01.1980 till disposal of the appeal.

2] This order be served on the LRs. of respondent No. 3.

SATARA.
Date :14.07.2022.

(P.V.Chatur)
District Judge-4, Satara.