

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH  
TUESDAY, THE FOURTH DAY OF SEPTEMBER,  
TWO THOUSAND AND EIGHTEEN**

**:PRESENT:**

**THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU**

**IA No. 2 OF 2018**

**IN**

**CCCA NO: 132 OF 2018**

**Between:**

(Shankar Rao Bawgikar died as per his LRs, 1<sup>st</sup> defendant in O.S. No. 189/2002)

1. Usha Bawgikar, W/o Late Shankar Rao Bawgikar
2. Dr. Surya Kumar Bawgikar, S/o Late Shankar Rao Bawgikar
3. Smt Hema, D/o Late Shanker Rao Bawgikar,
4. Sangita Bawgikar, D/o Late Shankar Rao Bawgikar

Appellants/ Defendants 15, 16, 17 & 18  
(Appellants in CCCA 132 OF 2018  
on the file of High Court)

**AND**

Gopal Rao Bawgikar, (died as per LRs. 2 to 5), S/o Late Bhimarao Bawgikar  
Smt. Vimal Gopal Rao Bawgikar, (died as per LRs 3 to 5), W/o Late Gopal Rao Bawgikar  
Sri Devidas Gopal Rao Bawgikar, (died as per LRs 6 to 9), S/o Late Gopal Rao Bawgikar

1. Sri Durgadas Gopal Rao Bawgikar, S/o Late Bhimarao Bawgikar, R/o H.No. 5-1-223/1,  
Sunder Bhawan, Jambagh, Hyderabad (Son & LR of R-1)  
...Respondent/Plaintiff-4
2. Shama Narayanpetkar, D/o Late Gopal Rao Bawgikar, W/o Gopal Rao Narayanpetkar,  
R/o H.No. 5-1-223/1, Sunder Bhawan, Jambagh, Hyderabad (LR of R-1)  
Respondent/Plaintiff-5  
Smt. Smitha @ Jyothi, W/o Late Devidas Gopal Rao Bawgikar (died per LR of R-3)
3. Bheema Shankar, S/o Late Devidas Gopal Rao Bawgikar, R/o Babanagar, Nanded,  
Karnataka State, (Son & Lr of R3)  
Resodnent/Plaintiff-7
4. Kum. Pratima, D/o Late Devidas Gopal Rao Bawgikar, W/o Radhesh Chidgopakar,  
R/o Dilsukhnagar, Hyderabad (Daughter & Lr of R-3)  
---Resodent/Plaintiff-8
5. Master Gopal, S/o Late Devidas Gopal Rao Bawgikar, R/o Baba Nagar, Nanded,  
Maharashtra State (son & Lr of R-3)  
---Respondent/Plaintiff-9  
Smt Kalavati Bai Patil, D/o Late Bhimrao Bawgikar (died) per LRs, Defendant No. 5 to 8,  
Smt. Sarala, W/o Govind Rao, (died per LRs)
6. Smt. Latha Kashikar, W/o Late Prabhkar Rao Kashikar, R/o H.No. 5-2-1015, M.J.  
Market Road, Hyderabad (LR)  
....Respondent/Defendant-4
7. Sri Vijayendra V. Patil, S/o Vasudeva Rao Patil, R/o Plot No. 52, Shivnagar, Papnasi  
Road, Bankers Colony, Bidar (Karnataka)(son & LR of R-10)  
---Respondent/Defendant-5
8. Sri Rajendra V. Patil, S/o Vasudeva Rao Patil, R/o H.No. Vithalnagar, Opp: Amul  
Bakery, Nanded, Maharashtra State (Son & LR of R-10)  
---Respondent/Defendant-6
9. Smt. Sharyu Korwar, W/o Dattatreya Rao Korwar, D/o Late Smt Kalavati Bai Patil,  
R/o CIDCO No. 3-427 Aurangabad, Maharashtra State, rep by her GPA Sri Vijayendra  
Patil, S/o Late Vasudeva Rao Patil, R/o 19-1-240, Bankers Colony Bidar, Karnataka  
(daughter & LR of R-10)  
---Respondent/Defendant-7

10. Smt. Shubhangi Wadgaonkar, W/o Late Arvind Adgaonkar, D/o Late Smt Kalavati Bai Patil, R/o C/o Sri Vijayendra Patil, Plot No. 52, Shivnagar, Bankers Colony, Bidar, Karnataka (daughter & LR or R-10)  
--Resondents/Defendant-8
11. Smt Y. Manjula, W/o Y. Anant Kumar, R/o LIG 345, APHB Colony, Moula Ali, Hyderabad (daughter & LR of R-11)  
---Resondent/Defendant-9
12. Sri K. Mangesh, S/o Late K. Govinda Rao, R/o 5-11-11, NFC Main Road, APHB Colony, Moulali, Hyderabad, (Son of LR of R-11)  
---Respondent/Defendant-10
13. Smt Madhluri Korwar, W/o Dilip Korwar, R/o Sai Bhavani Enclave, Flat N. 304, Ganga Block, Ganesh Nagar, Road No.3, Ramanthapur, Hyderabad (daughter & LR of R-11)  
..Respondent/Defendant-11
14. Megha K. W/o Late K. Vijay Kumar, R/o G-1, Raghavendra Apartment, Dharam Karam Road, Amerpet, Hyderabad,, 22 K. Manoj, S/o Late K. Govind Rao, R/o LIG 345, APHB Colony, Moulali, Hyderabad (daughter & LR of R-11)  
--Respondent/Defendant-12
15. K. Manoj, S/o Late K. Govind Rao, R/o LIG 345, APHB Colony, Moulali, Hyderabad (Son & LR of R-11)  
-Respondent/Defendant-13
16. K. Mukesh, S/o Late K. Govind Rao, R/o LIG 345, APHB Colony, Moulali, Hyderabad (daughter & LR of R-11)  
---Respondent/Defendant-14/  
Respondents/Plaintiffs/Defendants

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant stay of all further proceedings made in judgment and decree in OS.No.189 of 2002, dt.02-02-2018 on the file of the Court of Additional Judge-cum-VI Senior Civil Judge, City Civil Court at Hyderabad including passing of final decree and also execution of judgment and decree dt.02-02-2018 in OS.No.106 of 2010, pending disposal of CCCA No. 132 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein, and orders of the High Court dated 02-05-2018 made in IA. Nos. 1 & 2, and 20-06-2018 made in IA. No. 1 of 2018 and dated: 05.07.2018, 27-7-2018 and 24-08-2018 made in IA. Nos. 1 to 4 of 2018 and upon hearing the arguments of Sri Mirza Nisar Ahmed Baig, Advocate for the Petitioners, and M/s A. Deepthi, Advocate for the Respondents, the Court made the following

**ORDER:**

IA. No. 2 of 2018 is filed to stay all further proceedings made in judgment and decree dated 02-02-2018 passed in O.S. No. 189 of 2002 by the Additional Judge-cum-VI Senior Civil Judge, City Civil Court, Hyderabad. O.S. No. 189 of 2002 is a suit filed for partition and separate possession.

Although, the judgment does not say so, in the decree, it is mentioned that a preliminary decree has been passed. In these circumstances, a complete stay of all further proceedings cannot be ordered. There shall be a stay of passing of final decree only and all other proceedings can continue.

IA. No. 2 of 2018, is, therefore, accordingly allowed.

Sd/- N.PURUSHOTHAM REDDY  
ASSISTANT REGISTRAR  
For ASSISTANT REGISTRAR

//TRUE COPY..

To,

1. The Additional Judge-cum-VI Senior Civil Judge, City Civil Court, at Hyderabad
2. One CC to Sri. Mirza Nisar Ahmed Baig, Advocate [OPUC]
3. One spare copy

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HIGH COURT

DVSS,J

DATE: 04-09-2018

I.A. NO. 2 OF 2018  
IN  
CCCA. NO. 132 OF 2018

DIRECTION

