



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4109 OF 2023
IN
SECOND APPEAL NO. 112 OF 2001
WITH
INTERIM APPLICATION NO. 4124 OF 2023
IN
SECOND APPEAL NO. 112 OF 2023
WITH
INTERIM APPLICATION NO. 4125 OF 2023
IN
SECOND APPEAL NO. 113 OF 2001**

Kundlik Dhondu Kale (Since
Decd. Thr. LRS) Gopichand
Kundlik Kale and Ors. ... Appellants/Applicants
Vs.
Vithoba Alis Vitthal Dhondu Kale ... Respondents

Mr. Satyajeet Dighe a/w. Mr. Rishabh Tiwari i/b. Mr. Sagar
Kasar for the Appellants.
Mr. Rukhmini Khairnar i/b. Mr. P. N. Joshi for Respondents.

CORAM : GAURI GODSE, J.

DATE : 20th JANUARY 2026

ORDER :

1. Not on board. Taken up on the production board in view
of the production praecipe submitted on behalf of the

appellant.

2. These applications are for restoration of the second appeal.

3. Learned counsel for the applicants submits that the office has recorded dismissal of the second appeal in view of the conditional order dated 22nd January 2020. However, a subsequent office note shows that, since the application for heirs was already filed, the conditional order did not operate. However, the case status of the second appeal shows as dismissed. Hence, the executing court has proceeded with the execution of the decree for specific performance.

4. He, therefore, submits that the ad-interim relief operating in the second appeal be extended.

5. Learned counsel for the respondent seeks time.

6. Stand over to 4th February 2026.

7. Till next date, further proceedings in the execution shall remain stayed.

[GAURI GODSE, J.]